

“SECRETARY” MEANS THE SECRETARY OF LICENSING AND REGULATION.

REVISOR’S NOTE: This subsection formerly was Art. 56, § 416(g).

No changes are made.

(I) STATE.

“STATE” MEANS:

(1) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES; OR

(2) THE DISTRICT OF COLUMBIA.

REVISOR’S NOTE: This subsection is new language added to provide an express definition of the term “state”. In the revision of other articles, the Commission to Revise the Annotated Code and other Article Review Committees have adopted a uniform definition. See, e.g., BOP § 1-101(g) and LE § 1-101(e).

SUBTITLE 2. GENERAL PROVISIONS.

1-201. OATHS.

A REQUIREMENT IN THIS ARTICLE THAT A DOCUMENT BE UNDER OATH MEANS THAT THE DOCUMENT SHALL BE SUPPORTED BY:

(1) A WRITTEN STATEMENT SIGNED BY THE INDIVIDUAL MAKING IT IN WHICH THE INDIVIDUAL SOLEMNLY AFFIRMS UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, INFORMATION, AND BELIEF; OR

(2) A CERTIFICATION OF AN OFFICER AUTHORIZED TO ADMINISTER AN OATH THAT A NAMED INDIVIDUAL MADE OATH THAT THE CONTENTS OF THE DOCUMENT ARE TRUE TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, INFORMATION, AND BELIEF.

REVISOR’S NOTE: This section is new language added to allow an affidavit, a signed statement made under the penalties of perjury, to have the effect of being an oath or affirmation without detracting substantively from the purpose and effect of requiring an oath or affirmation. Therefore, an individual who makes an affidavit under this article is subject to the penalties for perjury if the affidavit is false, even if the individual does not appear and make oath before an individual authorized to administer oaths.

This section is patterned after the essential elements of Md. Rule 1-202(b), which defines “affidavit”, and Md. Rules 1-303 and 1-304, which prescribe the form of oaths and affidavits. This provision does away with any required notarization.