

BILL ANALYSIS

H.B. 1959
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that notary public fees have not increased since 1995, which makes it difficult for notaries to properly maintain their practice. Additionally, notaries are unable to record certain personal information vital to decrease fraud. H.B. 1959 addresses both of these issues by increasing certain notary public fees, providing for notary public fees to be updated to reflect inflation every five years, and authorizing a notary public to record the expiration date of identification cards presented to them.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1959 amends the Government Code to authorize a notary public to record the expiration date of an identification card issued by a governmental agency or passport issued by the United States if the signer, grantor, or maker of an instrument or document presents the card or passport to the notary public as identification.

H.B. 1959 increases certain fees that may be charged by a notary public, as follows:

- for taking the acknowledgment or proof of a deed or other instrument in writing, for registration, including certificate and seal, from \$6 to \$10 for the first signature;
- for administering an oath or affirmation with certificate and seal, from \$6 to \$10;
- for a certificate under seal not otherwise assigned a fee by statute, from \$6 to \$10;
- for a copy of a record or paper in the notary public's office, from 50 cents for each page to \$1 for each page;
- for taking the deposition of a witness, from 50 cents for each 100 words to \$1 for each 100 words;
- for swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition, from \$6 to \$10; and
- for a notarial act not otherwise assigned a fee by statute, from \$6 to \$10.

The bill requires the secretary of state, once every five years, to adjust all fees that may be charged by a notary public by the amount that results from applying the inflation rate, as determined by the comptroller of public accounts on the basis of the increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U), to the current fee amounts. The bill requires the secretary of state to make the first adjustment not later than December 31, 2026.

EFFECTIVE DATE

September 1, 2021.