

BILL ANALYSIS

Senate Research Center
85R8496 MTB-D

H.B. 1814
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires an application to probate a will, for a muniment of title, or for letters of probate administration to contain information such as name, domicile, and age of the applicant and testator. Current law, however, does not require individual-specific identifying information, such as driver's license numbers or social security numbers, to be included in these applications. This makes it difficult to determine the identity of each applicant and testator, who could potentially have the same name (John Smith and John Smith, Jr.) and even the same domicile, especially in rural areas where families have passed down names and properties for generations. H.B. 1814 requires the last three digits of an applicant's and testator's social security number and driver's license number, if known and if applicable, to be included in an application to probate a will, for a muniment of title, or for letters of probate administration. This change would help identify each applicant and testator and help clarify multi-generational court records.

H.B. 1814 amends current law relating to application requirements for certain probate proceedings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 256.052(a), Estates Code, to require that an application for the probate of a will state and aver certain information, including the last three numbers of each applicant's driver's license number and social security number, if applicable, and the last three numbers of the testator's driver's license number and social security number, to the extent each is known to the applicant or can, with reasonable diligence, be ascertained by the applicant.

SECTION 2. Amends Section 257.051(a), Estates Code, to require that an application for the probate of a will as a muniment of title state and aver certain information, including the last three numbers of each applicant's driver's license number and social security number, if applicable, and the last three numbers of the testator's driver's license number and social security number, to the extent each is known to the applicant or can, with reasonable diligence, be ascertained by the applicant.

SECTION 3. Amends Section 301.052, Estates Code, as follows:

Sec. 301.052. CONTENTS OF APPLICATION FOR LETTERS OF ADMINISTRATION. (a) Requires that an application for letters of administration when no will is alleged to exist state certain information, including the last three numbers of the applicant's driver's license number, if applicable, and the last three numbers of the applicant's social security number, if applicable, and if known by the applicant at the time the applicant files the application, the last three numbers of the decedent's driver's license number and social security number.

(b) Requires that the application state the reason the numbers are not stated, if an applicant does not state the last three numbers of the decedent's driver's license number or social security number under Subsection (a)(2-a).

SECTION 4. Makes application of Sections 256.052(a), 257.051(a), and 301.052, Estates Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2017.