

BILL ANALYSIS

Senate Research Center
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S.B. 586
By: Davis
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Foreign nationals often buy property in Texas. Current law does not allow notaries to accept an identification issued by a foreign government as satisfactory evidence of the individual's identification in the acknowledgment of written instruments. The only acceptable means of establishing the individual's identity is an oath of a credible witness personally known to the notary. A current passport issued by a foreign country would serve as a more secure and reliable method of proving a person's identity.

As proposed, S.B. 586 amends current law relating to proof that is acceptable for identifying individuals acknowledging written instruments.

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 121.005(a), Civil Practice and Remedies Code, as follows:

(a) Prohibits an officer from taking the acknowledgment of a written instrument unless the officer knows or has satisfactory evidence that the acknowledging person is the person who executed the instrument and is described in it. Authorizes an officer to accept, as satisfactory evidence of the identity of an acknowledging person, only:

- (1) the oath of a credible witness personally known to the officer;
- (2) a current identification card or other document issued by the federal government or any state government that contains the photograph and signature of the acknowledging person; or
- (3) a current passport issued by a foreign country.

SECTION 2. Effective date: September 1, 2011.