

CHAPTER 891

H.B. No. 1512

AN ACT

relating to the taking of acknowledgments or proofs of written instruments outside the United States and the recording of instruments acknowledged outside the United States; and relating to powers, duties, and qualifications of notaries public and to regulation and commissioning of notaries public by the secretary of state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 121.001(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) An acknowledgment or proof of a written instrument may be taken outside the United States or its territories by:

(1) a minister, commissioner, or charge d'affaires of the United States who is a resident of and is accredited in the country where the acknowledgment or proof is taken;

(2) a consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul, or consular agent of the United States who is a resident of the country where the acknowledgment or proof is taken; or

(3) a notary public *or any other official authorized to administer oaths in the jurisdiction where the acknowledgment or proof is taken.*

SECTION 2. Section 11.002, Property Code, is amended to read as follows:

Sec. 11.002. ENGLISH LANGUAGE. (a) An instrument relating to real or personal property may not be recorded unless it is in English *or complies with this section.*

(b) An authenticated instrument not in English that was executed before August 22, 1897, [~~however,~~] may be recorded and operate as constructive notice from the date of filing if:

(1) a correct English translation is recorded with the original instrument; and

(2) the accuracy of the translation is sworn to before an officer authorized to administer oaths.

(c) An instrument acknowledged outside the United States or its territories in accordance with Section 121.001(c)(3), Civil Practice and Remedies Code, that contains a certificate, stamp, or seal of a notary public or other official before whom the acknowledgment was taken or an apostille relating to the acknowledgment, any portion of which is not in English, may be recorded and operate as constructive notice from the date of filing if:

- (1) a correct English translation of any non-English portion of the certificate, stamp, seal, or apostille is recorded with the original instrument;
- (2) the accuracy of the translation is sworn to before an officer authorized to administer oaths; and
- (3) any apostille relating to the acknowledgment complies with the Hague Convention dated October 5, 1961, titled Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

SECTION 3. Article 3945, Revised Statutes, is amended to read as follows:

Art. 3945. NOTARY PUBLIC. Notaries public may charge the following fees:

Protesting a bill or note for non-acceptance or non-payment, register and seal	\$3.00
Each notice of protest	.50
Protesting in all other cases, for each 100 words	.50
Certificate and seal to such protest	3.00
Taking the acknowledgement or proof of any deed or other instrument in writing, for registration, including certificate and seal:	
(1) for the first signature	5.00 [3.00]
(2) for each additional signature	1.00
Administering an oath or affirmation with certificate and seal	5.00 [3.00]
All certificates under seal not otherwise provided for	5.00 [3.00]
Copies of all records and papers in their office, for each page	.50
All notarial acts not provided for	5.00 [3.00]
Taking the depositions of witnesses, for each 100 words	.50
Swearing a witness to depositions, making certificate therefor with seal, and all other business connected with taking such deposition	5.00 [3.00]

SECTION 4. Section 5(f), Article 5949, Revised Statutes, is amended to read as follows:

(f) "Good cause" includes ~~shall include~~ final conviction for a crime involving moral turpitude, any false statement knowingly made in an application, the failure to comply with Subsection (b) or (c) of this section, ~~and~~ final conviction for the violation of any law concerning the regulation of the conduct of Notaries Public in this state, or any other state, and the imposition on the Notary Public of an administrative, criminal, or civil penalty for a violation of a law or rule prescribing the duties of a Notary Public.

SECTION 5. Section 9, Article 5949, Revised Statutes, is amended to read as follows:

9. PUBLIC RECORDS; INSPECTION. All matters pertaining to the appointment and qualification of Notaries Public shall be public records in the office of the Secretary of State ~~[after any such Notary Public has qualified]~~, and shall be open to inspection of any interested person at such reasonable times and in such manner as will not interfere with the affairs of office of the custodian of such records; ~~but the Secretary of State is not required to furnish lists of the names of persons appointed before their qualification or lists of unreasonable numbers of qualified Notaries Public.~~

SECTION 6. Article 5955, Revised Statutes, is amended to read as follows:

Art. 5955. NOTARIES' RECORDS. Each notary public shall keep a well bound book, in which shall be entered the date of all instruments *notarized by* ~~[acknowledged before]~~ him, the date of such *notarizations* ~~[acknowledgments]~~, the name *and signature* of the grantor or maker, the place of his residence or alleged residence, whether personally known, *identified by an identification card issued by a governmental agency or a passport issued by the United States*, or introduced, and, if introduced, the name and residence or alleged residence of the party introducing him; if the instrument be proved