

By: Grusendorf

H.B. No. 45

A BILL TO BE ENTITLED

AN ACT

relating to notaries public.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 406.005, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The application must include a statement that the applicant has completed the educational course and passed the test that is given at the end of the course under Section 406.0061.

SECTION 2. Section 406.006, Government Code, is amended to read as follows:

Sec. 406.006. QUALIFICATION. An individual qualifies by:

(1) properly completing the application form;

(2) executing the statement;

(3) providing the bond, if required;

(4) paying the required filing fees; ~~and~~

(5) meeting the eligibility requirements; and

(6) completing the educational course and passing the test that is given at the end of the course under Section 406.0061 during a period beginning six months before the date of the application and ending on the date of the application.

SECTION 3. Subchapter A, Chapter 406, Government Code, is amended by adding Section 406.0061 to read as follows:

Sec. 406.0061. EDUCATIONAL COURSE. (a) An individual must complete an educational course and pass a test on the material

1 covered by the course as provided by this section to qualify for
2 appointment or reappointment as a notary.

3 (b) The course must cover the duties and responsibilities of
4 being a notary public, including instruction relating to:

5 (1) the history and purpose of notaries public in this
6 state;

7 (2) relevant constitutional provisions, statutes,
8 case law, and procedures;

9 (3) issues relating to documents, including the
10 prevention of crime and the alteration of documents;

11 (4) the difference between refusing to notarize a
12 document and discrimination;

13 (5) fees;

14 (6) records; and

15 (7) the contribution and role of the notary in
16 society.

17 (c) The course may be administered through classroom,
18 computer, or correspondence course instruction.

19 (d) The course must:

20 (1) be approved by the secretary of state; and

21 (2) be at least three hours in length.

22 (e) The person providing the course must allow each
23 individual completing the course to take a test on the material
24 covered by the course. The test must be approved by the secretary
25 of state.

26 SECTION 4. Section 406.024, Government Code, is amended by
27 amending Subsection (a) and adding Subsection (c) to read as

1 follows:

2 (a) A notary public or its employer may charge the following
3 fees:

4 (1) for protesting a bill or note for nonacceptance or
5 nonpayment, register and seal, a fee of \$5 [~~4~~];

6 (2) for each notice of protest, a fee of \$2 [~~1~~];

7 (3) for protesting in all other cases, a fee of \$5 [~~4~~];

8 (4) for certificate and seal to a protest, a fee of \$5
9 [~~4~~];

10 (5) for taking the acknowledgment or proof of a deed or
11 other instrument in writing, for registration, including
12 certificate and seal, a fee of \$8 [~~6~~] for the first signature and \$2
13 [~~1~~] for each additional signature;

14 (6) for administering an oath or affirmation with
15 certificate and seal, a fee of \$8 [~~6~~];

16 (7) for a certificate under seal not otherwise
17 provided for, a fee of \$8 [~~6~~];

18 (8) for a copy of a record or paper in the notary
19 public's office, a fee of 75 [~~50~~] cents for each page;

20 (9) for taking the deposition of a witness, 50 cents
21 for each 100 words;

22 (10) for swearing a witness to a deposition,
23 certificate, seal, and other business connected with taking the
24 deposition, a fee of \$8 [~~6~~]; and

25 (11) for a notarial act not provided for, a fee of \$8
26 [~~6~~].

27 (c) A notary public may not charge a fee for any notarial act

1 performed for a United States military veteran or a firefighter,
2 police officer, or sheriff's deputy applying for a pension,
3 allotment, allowance, compensation, insurance policy, or other
4 benefit resulting from public service.

5 SECTION 5. (a) Sections 1-3 of this Act apply only to an
6 individual who applies for appointment or reappointment as a notary
7 public on or after the effective date of this Act. An individual
8 who has been appointed or reappointed as a notary public or who has
9 applied for appointment or reappointment before the effective date
10 of this Act is governed by the law applicable immediately before the
11 effective date of this Act, and that law is continued in effect for
12 that purpose.

13 (b) Section 4 of this Act applies only to a fee charged by a
14 notary public on or after the effective date of this Act. Any fee
15 charged by a notary public before the effective date of this Act is
16 governed by the law applicable immediately before the effective
17 date of this Act, and that law is continued in effect for that
18 purpose.

19 SECTION 6. This Act takes effect September 1, 2005.