

## **BILL ANALYSIS**

H.B. 3322  
By: Guillen  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note in many Spanish-speaking countries a "notario," or a notary, performs many services that are performed by a lawyer in the United States, such as processing paperwork related to immigration matters. These parties report instances in which notaries public have attempted to take advantage of Spanish-speaking Texans by abusing the similarity between the words, "notario" and notary and offering services with which the notary is not qualified to assist. H.B. 3322 seeks to address this issue by making the use of the translation into a foreign language of "immigration consultant" or "immigration expert" in certain documents punishable under the Deceptive Trade Practices-Consumer Protection Act.

### **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 rulemaking authority is expressly granted to the secretary of state in SECTION 2 of this bill.

### **ANALYSIS**

H.B. 3322 amends the Business & Commerce Code to include among the acts that are considered false, misleading, or deceptive acts or practices under the Deceptive Trade Practices-Consumer Protection Act the use of the translation into a foreign language of "immigration consultant" or "immigration expert" in any written or electronic material in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States.

H.B. 3322 amends the Government Code to require an applicant for an initial appointment as a notary public to complete an online, self-study, or classroom educational course approved by the secretary of state and authorizes the secretary of state to provide such a course. The bill requires the secretary of state to adopt rules necessary to implement that educational course requirement and requires the rules to establish the standards for an educational course, establish the procedures for approving an educational course, and set a nonrefundable vendor application and renewal fee for a vendor of an educational course in an amount sufficient to administer the educational course. The bill requires such a fee received by the secretary of state to be appropriated to and used by the secretary of state to administer the educational course requirement.

H.B. 3322 requires an application for an initial appointment as a notary public to include a statement that the applicant has completed an educational course as required by the bill. The bill includes administering and managing an educational course for notary publics among the

authorized uses of the \$1 fee submitted by an applicant for appointment as a notary public for appropriation to and use by the secretary of state. The requirement to complete an educational course expressly does not apply to a notary public applying for reappointment. The bill's provisions relating to notary publics apply only to an application for a notary public appointment received and qualified on or after September 1, 2018.

H.B. 3322 includes solicitation or acceptance of compensation to prepare documents for or otherwise represent the interest of another in a judicial or administrative proceeding relating to admission to the United States among the actions by a notary public that constitute an offense of unlawful representation as an attorney. The bill establishes that a person does not commit such an offense by offering or providing language translation or typing services and accepting compensation.

**EFFECTIVE DATE**

January 1, 2018.