

BILL ANALYSIS

Senate Research Center

S.B. 1098
By: Zaffirini
State Affairs
3/28/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Due to privacy concerns, many Texans would prefer not to disclose their home addresses in the public record. What's more, under current law, a notary upon demand and payment of a fee is required to provide certified copies of any record in the notary's "office," a term which is ambiguous and outdated. Generally, this is interpreted to mean a certified copy of the record in a notary journal made during official acts.

To address these concerns raised by the secretary of state's statutory documents division, S.B. 1098 allows the signer, grantor, or maker of an instrument the option to provide a mailing address, rather than a residence address, to a notary public to protect the person's privacy. It also requires an officer authorized by law to take an acknowledgment or proof of a written instrument required or permitted by law to be recorded (including a notary public) to record a "mailing address" instead of a "residence." Finally, it clarifies that a notary is required to provide a certified copy only of notary records that comprise official acts, rather than any record in the notary's office.

As proposed, S.B. 1098 amends current law relating to recordings, acknowledgments, and proofs of certain 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 Sections 406.014(a) and (c), Government Code, as follows:

(a) Requires a notary public other than a court clerk notarizing instruments for the court to keep in a book a record of:

(1) to (3) makes no changes to these subdivisions;

(4) the signer's, grantor's, or maker's mailing address, rather than residence or alleged residence;

(5) makes a conforming change;

(6) if the instrument is proved by a witness, the mailing address, rather than residence, of the witness, whether the witness is personally known by the notary public or was introduced to the notary public and, if introduced, the name and mailing address, rather than residence, of the individual introducing the witness;

(7) makes a conforming change;

(8) to (9) makes no changes to these subdivisions.

(c) Requires a notary public, on payment of all fees, to provide a certified copy of any record of official acts in the notary public's book of record, rather than a certified copy of any record in the notary public's office, to any person requesting the copy.

SECTION 2. Amends Sections 121.012(b) and (c), Civil Practice and Remedies Code, as follows:

(b) Requires that the statement, if the execution of the instrument is acknowledged by the grantor of the instrument, also contain:

(1) the grantor's mailing address, rather than the grantor's known or alleged residence;

(2) makes no changes to this subdivision; and

(3) if the grantor is unknown to the officer, the name and mailing address, rather than the name and residence, of the person who introduced the grantor to the officer, if any.

(c) Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.