

By: Swanson, Reynolds

H.B. No. 255

A BILL TO BE ENTITLED

AN ACT

relating to notaries public; increasing the amount of certain fees.

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

SECTION 1. Section 406.013, Government Code, is amended by adding Subsection (e) to read as follows:

(e) A notary public may not:

(1) provide a copy of the notary public's seal to another person; or

(2) affix or attach the notary public's seal to any document except to authenticate the notary public's official act.

SECTION 2. Section 406.014, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A notary public may record the expiration date of an identification card issued by a governmental agency or passport issued by the United States if the signer, grantor, or maker of an instrument or document presents the card or passport to the notary public as identification.

SECTION 3. Section 406.024, Government Code, is amended to read as follows:

Sec. 406.024. FEES CHARGED BY NOTARY PUBLIC. (a) A notary public or its employer may charge the following fees:

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

(2) for each notice of protest, a fee of \$1;

(3) for protesting in all other cases, a fee of \$4;

(4) for certificate and seal to a protest, a fee of \$4;

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

(6) for administering an oath or affirmation with certificate and seal, a fee of \$10 [~~\$6~~];

(7) for a certificate under seal not otherwise provided for, a fee of \$10 [~~\$6~~];

(8) for a copy of a record or paper in the notary public's office, a fee of \$1 [~~50 cents~~] for each page;

(9) for taking the deposition of a witness, \$1 [~~50 cents~~] for each 100 words;

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

(11) for a notarial act not provided for, a fee of \$10 [~~\$6~~].

(b) A notary public may charge a fee only for an acknowledgment or official act under Subsection (a). The fee charged may not exceed the fee authorized by Subsection (a), as adjusted under Subsection (c).

(c) Once every five years, the secretary of state shall adjust the fees provided under Subsection (a) by the amount that results from applying the inflation rate, as determined by the comptroller on the basis of the increase, if any, in the Consumer

1 Price Index for All Urban Consumers published by the Bureau of Labor
2 Statistics of the United States Department of Labor, to the current
3 fee amounts.

4 SECTION 4. The secretary of state shall make the first
5 adjustment in fees under Section 406.024(c), Government Code, as
6 added by this Act, not later than December 31, 2028.

7 SECTION 5. This Act takes effect September 1, 2023.