

- SUBJECT:** Passport for proof of identity when acknowledging written instruments
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 10 ayes — Jackson, Lewis, Bohac, Castro, Hartnett, Madden, Raymond, Scott, Thompson, Woolley
- 0 nays
- 1 absent — S. Davis
- WITNESSES:** For — Roland Love, Texas Land Title Association; (*Registered, but did not testify*: Jennifer Allmon, The Texas Catholic Conference of Bishops)
- Against — None
- BACKGROUND:** Civil Practice and Remedies Code, ch. 121 authorizes certain officers, such as a court clerk or notary public, to take an acknowledgment or proof of a written instrument. Under sec. 121.005, an officer may not take the acknowledgment of a written instrument unless the officer knows or has satisfactory evidence of the identity of the acknowledging person. Current law limits “satisfactory evidence” to the oath of a credible witness personally known to the officer or a current identification card or other document issued by the federal government or any state government that contains the photograph and signature of the acknowledging person.
- Under current law, foreign nationals are able to buy property in Texas, but are not able to present a passport to prove their identity when acknowledging a written instrument related to the property. An officer is unable to take the acknowledgement of a written instrument for a foreign national unless a credible witness personally known to the officer swears to the foreign national’s identity or the foreign national has an identification document issued by the U.S. federal government or a state government with a photograph and signature.
- DIGEST:** HB 122 would amend Civil Practice and Remedies Code, sec. 121.005(a) to authorize an officer to accept as identification for a person seeking to

acknowledge a written instrument a current passport issued by a foreign country.

The bill would take effect on September 1, 2011.

NOTES:

The substitute differs from the original by allowing a passport to serve as identification instead of an identification card issued by a foreign government.

The companion bill, SB 586 by Davis, was considered in a public hearing on March 1 and left pending by the Senate Jurisprudence Committee.