

BILL ANALYSIS

Senate Research Center

H.B. 243
By: Thompson (Ellis)
Jurisprudence
4-18-97
Engrossed

DIGEST

Currently, proof of identity of a person acknowledging a written instrument or certificate of acknowledgment requires an officer taking the acknowledgment to either personally know the person or to verify that person's identity on oath of a credible witness. The requirement of personal knowledge or an oath of a credible witness causes hardship. This bill allows the use of federal-or state-issued identity cards or documents in identifying a person acknowledging a written instrument or certificate of acknowledgment.

PURPOSE

As proposed, H.B. 243 allows the use of federal-or-state-issued identity cards or documents in identifying a person acknowledging a written instrument or certificate of acknowledgment.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 121.005 and 121.007, Civil Practice and Remedies Code, as follows:

Sec. 121.005. PROOF OF IDENTITY OF ACKNOWLEDGING PERSON. Prohibits an officer from taking the acknowledgment of a written instrument, unless the officer knows that the acknowledging person is the person who executed the instrument and is described in it. Authorizes an officer to accept, as satisfactory evidence of the identity of an acknowledging person only the oath of a credible person personally known to the officer, or a certain identification card. Deletes a provision relating to the acknowledging person. Makes conforming changes.

Sec. 121.007. FORM FOR ORDINARY CERTIFICATE OF ACKNOWLEDGMENT. Sets forth the form of an ordinary certificate of acknowledgment.

SECTION 2. Makes application of this Act prospective to January 1, 1998.

SECTION 3. Emergency clause.
Effective date: upon passage.