

By: Anchía

H.B. No. 3657

Substitute the following for H.B. No. 3657:

By: Johnson of Dallas

C.S.H.B. No. 3657

A BILL TO BE ENTITLED

AN ACT

relating to notaries public; creating a criminal offense.

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

SECTION 1. Section 406.006, Government Code, is amended to read as follows:

Sec. 406.006. QUALIFICATION. An individual qualifies by:

(1) properly completing the application form;

(2) executing the statement;

(3) providing the bond, if required;

(4) paying the required filing fees; ~~and~~

(5) meeting the eligibility requirements; and

(6) successfully completing the education requirements established under Section 406.023.

SECTION 2. Section 406.009(d), Government Code, is amended to read as follows:

(d) In this section, "good cause" includes:

(1) a false statement knowingly made in an application;

(2) the failure to comply with Section 406.017;

(3) a final conviction for a violation of a law concerning the regulation of the conduct of notaries public in this or another state;

(4) the imposition on the notary public of an administrative, criminal, or civil penalty for a violation of a law

1 or rule prescribing the duties of a notary public; [~~or~~]

2 (5) performing any notarization when the person for
3 whom the notarization is performed did not personally appear before
4 the notary at the time the notarization is executed; or

5 (6) failure to maintain records under Section 406.014.

6 SECTION 3. Subchapter A, Chapter 406, Government Code, is
7 amended by adding Section 406.0091 to read as follows:

8 Sec. 406.0091. OFFENSE OF NOTARIZATION FOR PERSON NOT
9 PERSONALLY APPEARING. (a) A person commits an offense if, as a
10 notary public, the person performs any notarization, other than an
11 online notarization, with knowledge that the signer, grantor, or
12 maker for whom the notarization is performed did not personally
13 appear before the notary public at the time the notarization is
14 executed.

15 (b) An offense under this section is a Class A misdemeanor,
16 except that it is a felony of the third degree if the document being
17 notarized involves the transfer of real property.

18 SECTION 4. Section 406.011, Government Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) A notary public who has applied for reappointment must
21 successfully complete the continuing education requirements
22 established under Section 406.023 before being reappointed.

23 SECTION 5. Section 406.014, Government Code, is amended by
24 adding Subsection (f) to read as follows:

25 (f) A notary public shall retain the records required by
26 Subsection (a) until the 10th anniversary of the date of
27 notarization.

1 SECTION 6. Section 406.023, Government Code, is amended by
2 adding Subsection (d) to read as follows:

3 (d) The secretary of state shall adopt rules necessary to
4 establish education requirements for appointment as a notary public
5 and continuing education requirements for reappointment. The rules
6 may not require a person appointed as a notary public before
7 September 1, 2023, to complete education requirements required for
8 initial appointment as a notary public on or after that date.

9 SECTION 7. Not later than January 1, 2024, the secretary of
10 state shall adopt rules necessary to implement the change in law
11 made by this Act.

12 SECTION 8. The change in law made by this Act applies only
13 to an application for a notary public appointment or reappointment
14 submitted on or after January 1, 2024. An application submitted
15 before January 1, 2024, is governed by the law as it existed
16 immediately before the effective date of this Act, and that law is
17 continued in effect for that purpose.

18 SECTION 9. This Act takes effect September 1, 2023.