

By: Anchía

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 406.009(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 or rule prescribing the duties of a notary public; ~~or~~

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

(6) failure to maintain records under Section 406.014.

SECTION 2. Subchapter A, Chapter 406, Government Code, is amended by adding Section 406.0091 to read as follows:

Sec. 406.0091. OFFENSE OF NOTARIZATION FOR PERSON NOT PERSONALLY APPEARING. (a) A person commits an offense if, as a notary public, the person knowingly performs any notarization when

1 the person for whom the notarization is performed did not
2 personally appear before the notary public at the time the
3 notarization is executed.

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

7 SECTION 3. Section 406.011, Government Code, is amended by
8 adding Subsection (c) to read as follows:

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

12 SECTION 4. Section 406.014, Government Code, is amended by
13 adding Subsection (f) to read as follows:

14 (f) A notary public shall retain the records required by
15 Subsection (a) until the 15th anniversary of the date of
16 notarization.

17 SECTION 5. Section 406.023, Government Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) The secretary of state shall adopt rules necessary to
20 establish continuing education requirements for reappointment as a
21 notary public.

22 SECTION 6. Not later than January 1, 2024, the secretary of
23 state shall adopt rules necessary to implement the change in law
24 made by this Act.

25 SECTION 7. The change in law made by this Act applies only
26 to an application for a notary public reappointment submitted on or
27 after January 1, 2024. An application submitted before January 1,

1 2024, is governed by the law as it existed immediately before the
2 effective date of this Act, and that law is continued in effect for
3 that purpose.

4 SECTION 8. This Act takes effect September 1, 2023.