

BILL ANALYSIS

H.B. 4203
By: Swanson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that a lack of standardized training and requirements for notaries creates a non-uniform system in which some notaries may be less trained and informed than others, leading to varying levels of competence and understanding of legal responsibilities among notaries. The bill author has further informed the committee that this can lead to errors and inconsistencies, undermining the reliability of notarized documents and creating issues related to quality and trustworthiness. H.B. 4203 seeks to provide for standardized training requirements for notaries.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

H.B. 4203 amends the Government Code to require the secretary of state to adopt rules necessary to establish education requirements for appointment as a notary public and continuing education requirements for reappointment. The rules must require a person, for appointment as a notary public, to complete six hours of education and a written examination to determine fitness to serve as a notary public with questions based on the laws prescribed for notaries public, including Government Code provisions governing notaries public, Civil Practice and Remedies Code provisions regarding acknowledgments and proofs of written instruments, and rules adopted by the secretary of state. The rules must require a person to complete three hours of continuing education for reappointment as a notary public.

H.B. 4203 requires the secretary of state to do the following:

- prescribe an application form for and accept applications from third-party entities operating within Texas to develop and administer a course to satisfy the education requirements established under the bill's provisions;
- issue a certificate of approval for any course the secretary determines includes all material that may be included in the written examination for appointment as a notary public; and
- publish a list of approved courses on the secretary's website.

The bill authorizes the secretary of state to provide an education course for appointment as a notary public and for reappointment as a notary public in addition to any certified course offered by a third-party entity. The bill makes a person who provides notary public education in violation of the bill's provisions or rules adopted under those provisions liable for a civil penalty

capped at \$1,000 for each violation. The bill authorizes the attorney general or the county or district attorney of the county in which the violation is alleged to have occurred to seek restitution and petition a district court for the assessment of the civil penalty and requires the attorney general or the county or district attorney, as applicable, to notify the secretary of state of the petition.

H.B. 4203 includes successful completion of the education requirements established under the bill's provisions among the necessary qualifications for a notary public. The bill requires a notary public who has applied for reappointment to successfully complete the continuing education requirements established under the bill's provisions before being reappointed.

H.B. 4203 requires the secretary of state to adopt rules necessary to implement the bill's provisions not later than July 1, 2026, and establishes the following:

- the bill applies only to an application for a notary public appointment or reappointment submitted on or after July 1, 2026;
- an application submitted before July 1, 2026, is governed by the law as it existed immediately before the bill's effective date, and that law is continued in effect for that purpose; and
- a notary public appointed before July 1, 2026, must complete the education requirements for an initial appointment and provide to the secretary of state written proof of completion when applying for the first reappointment as a notary public occurring after July 1, 2026.

EFFECTIVE DATE

September 1, 2025.