

## **BILL ANALYSIS**

Senate Research Center  
89R13481 GP-F

H.B. 5093  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Last session, legislation was passed into law that exempts occupational license holders from public information requests to protect the license holder's personal contact information. One of the unintended results of this legislation was that much of the publicly available contact information for notaries public became unavailable.

One of the primary responsibilities of notaries public is to witness the signing of important legal documents, such as wills, real estate deeds, and powers of attorney. In addition to serving as a witness, notaries are required to maintain records of these signings, providing crucial evidence in case of legal disputes or court proceedings related to the documents.

The secretary of state (SOS) is responsible for appointing notaries. The application for a person to be appointed as notary public requires an address and contact information so that the notary can be contacted whenever there are disputes over legal documents. It is highly common for notaries to use their home address, home phone, and personal email whenever filing to become a notary public since many people do not have a second address, phone number, or email.

Prior to the last legislative session, SOS's office held and shared the home address, home phone number, and personal email address of notaries if that was the only contact information the notary provided when filing to become a notary public. Under statute implemented after last session, SOS can no longer share the home address, home phone number, or personal emails of notaries.

H.B. 5093 would allow the contact information and address of a notary public to be available publicly, and accessible through SOS's office as was the standard practice before 2023.

H.B. 5093 amends current law relating to disclosure under the public information law of certain contact information of a notary public that is maintained by the secretary of state.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.11765, Government Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Creates an exception under Subsection (c-1).

(c-1) Provides that Subsection (b) (relating to providing that information maintained by certain governmental bodies is confidential and excepted from the requirements of Section 552.021 (Availability of Public Information) if the information contains personally identifiable information) does not prohibit the secretary of state from disclosing the home address, home telephone number, or electronic mail address of a notary public appointed under Subchapter A (Notary Public), Chapter 406 (Notary Public; Commissioner of Deeds).

SECTION 2. Effective date: upon passage or September 1, 2025.