

By: Anchía

H.B. No. 3704

Substitute the following for H.B. No. 3704:

By: Leach

C.S.H.B. No. 3704

A BILL TO BE ENTITLED

AN ACT

relating to notaries public; creating a criminal offense;  
authorizing a fee.

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

1 administrative, criminal, or civil penalty for a violation of a law  
2 or rule prescribing the duties of a notary public; ~~[or]~~

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

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

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

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

15 (b) An offense under this section is a Class A misdemeanor,  
16 except that it is a state jail felony if the document being  
17 notarized involves the transfer of real property or any interest in  
18 real property.

19 (c) It is an affirmative defense to prosecution under  
20 Subsection (a) that the person who personally appeared before the  
21 notary public knowingly presented an apparently valid proof of  
22 identification identifying the person as the signer, grantor,  
23 maker, or principal for whom the notarization was purported to be  
24 performed, regardless of the identity of the person.

25 (d) For purposes of this section, a person personally  
26 appears before a notary public if:

27 (1) for a notarization other than an online

1 notarization, the person physically appears before the notary  
2 public at the time of the notarization in a manner that permits the  
3 notary public and the person to see, hear, communicate with, and  
4 provide proof of identification to each other; and

5 (2) for an online notarization, the person appears at  
6 the time of the notarization by an interactive two-way video and  
7 audio conference technology that meets the standards adopted for  
8 online notarization under Section 406.104.

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

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

14 SECTION 5. Section 406.014, Government Code, is amended by  
15 adding Subsection (g) to read as follows:

16 (g) A notary public shall retain the records required by  
17 Subsection (a) until the 10th anniversary of the date of  
18 notarization.

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

21 (d) The secretary of state shall adopt rules necessary to  
22 establish education requirements for appointment and continuing  
23 education requirements for reappointment as a notary public. The  
24 rules:

25 (1) may not require a person to complete more than two  
26 hours of education for appointment or two hours of continuing  
27 education for reappointment;

1           (2) must require that the secretary of state establish  
2 and offer education and continuing education courses and allow the  
3 secretary of state to charge a reasonable fee;

4           (3) must require that the education and continuing  
5 education course hours required for appointment or reappointment as  
6 a notary public may only be completed through a course established  
7 and offered by the secretary of state; and

8           (4) may not require a person appointed as a notary  
9 public before September 1, 2025, to complete education requirements  
10 required for initial appointment as a notary public on or after that  
11 date.

12           SECTION 7. Not later than January 1, 2026, the secretary of  
13 state shall adopt rules necessary to implement the change in law  
14 made by this Act.

15           SECTION 8. The change in law made by this Act applies only  
16 to an application for a notary public appointment or reappointment  
17 submitted on or after January 1, 2026. An application submitted  
18 before January 1, 2026, is governed by the law as it existed  
19 immediately before the effective date of this Act, and that law is  
20 continued in effect for that purpose.

21           SECTION 9. This Act takes effect September 1, 2025.