

By: Swanson

H.B. No. 4203

A BILL TO BE ENTITLED

AN ACT

relating to education requirements for notaries public; providing a civil penalty.

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

SECTION 1. Subchapter A, Chapter 406, Government Code, is amended by adding Section 406.0045 to read as follows:

Sec. 406.0045. EDUCATION REQUIREMENTS; CIVIL PENALTY. (a) The secretary of state shall adopt rules necessary to establish education requirements for appointment as a notary public and continuing education requirements for reappointment. The rules must:

(1) for appointment as a notary public, require a person to complete:

(A) six hours of education for appointment; and

(B) a written examination to determine fitness to serve as a notary public with questions based on the laws prescribed for notaries public, including this chapter, Chapter 121, Civil Practice and Remedies Code, and rules adopted by the secretary of state; and

(2) for reappointment as a notary public, require three hours of continuing education.

(b) The secretary of state shall:

(1) prescribe an application form for and accept applications from third-party entities operating within this state

1 to develop and administer a course to satisfy the education
2 requirements established under Subsection (a);

3 (2) issue a certificate of approval for any course the
4 secretary determines includes all material that may be included in
5 the examination described by Subsection (a)(1); and

6 (3) publish a list of approved courses on the
7 secretary's Internet website.

8 (c) The secretary of state may provide an education course
9 for appointment as a notary public and for reappointment as a notary
10 public in addition to any course offered under Subsection (b).

11 (d) A person who provides notary public education in
12 violation of this section or rules adopted under this section is
13 liable for a civil penalty not to exceed \$1,000 for each violation.

14 (e) The attorney general or the county attorney or district
15 attorney of the county in which the violation is alleged to have
16 occurred:

17 (1) may seek restitution and petition a district court
18 for the assessment of a civil penalty as provided by Subsection (d);
19 and

20 (2) shall notify the secretary of state of the
21 petition.

22 SECTION 2. Section 406.006, Government Code, is amended to
23 read as follows:

24 Sec. 406.006. QUALIFICATION. An individual qualifies by:

25 (1) properly completing the application form;

26 (2) executing the statement;

27 (3) providing the bond, if required;

- 1 (4) paying the required filing fees; ~~[and]~~
2 (5) meeting the eligibility requirements; and
3 (6) successfully completing the education
4 requirements established under Section 406.0045.

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

7 (c) A notary public who has applied for reappointment must
8 successfully complete the continuing education requirements
9 established under Section 406.0045 before being reappointed.

10 SECTION 4. Not later than July 1, 2026, the secretary of
11 state shall adopt rules necessary to implement the changes in law
12 made by this Act.

13 SECTION 5. (a) The changes in law made by this Act apply
14 only to an application for a notary public appointment or
15 reappointment submitted on or after July 1, 2026. An application
16 submitted before July 1, 2026, is governed by the law as it existed
17 immediately before the effective date of this Act, and that law is
18 continued in effect for that purpose.

19 (b) A notary public appointed before July 1, 2026, shall
20 complete the education requirements for an initial appointment and
21 provide to the secretary of state written proof of completion when
22 applying for the first reappointment as a notary public occurring
23 after July 1, 2026.

24 SECTION 6. This Act takes effect September 1, 2025.