

By: West

S.B. No. 693

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 406.006, 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 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 3. 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 performs any notarization with knowledge that the signer, grantor, maker, or principal for whom the notarization is performed did not personally appear before the notary public at the time the notarization is executed.

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

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

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

(1) for a notarization other than an online notarization, the person physically appears before the notary public at the time of the notarization in a manner that permits the

notary public and the person to see, hear, communicate with, and provide proof of identification to each other; and

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

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

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

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

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

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

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

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

(2) must require that the secretary of state establish and offer education and continuing education courses and allow the

1 secretary of state to charge a reasonable price for each course;

2 (3) must prohibit any person other than the secretary
3 of state from providing education or continuing education courses;
4 and

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

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

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

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