

By: Hancock
(Luther)

S.B. No. 2690

A BILL TO BE ENTITLED

AN ACT

relating to solicitations for the retrieval of certain documents from the secretary of state; providing a civil penalty.

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

SECTION 1. Chapter 17, Business & Commerce Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. SOLICITATIONS FOR RETRIEVAL OF CERTAIN GOVERNMENT DOCUMENTS

Sec. 17.961. DEFINITION. In this subchapter, "business certification document" means a document:

(1) required to be filed with the secretary of state under Chapter 4, Business Organizations Code; or

(2) produced by the secretary of state affirming that a document described by Subdivision (1) was filed or that a specific business organization exists.

Sec. 17.962. REQUIRED DISCLOSURE FOR MAIL SOLICITATIONS.

(a) A nongovernmental entity or individual may not mail, or direct another person to mail, a solicitation for the retrieval of a business certification document unless the solicitor includes with the mailed solicitation the disclosure required by this section, prominently displayed in 18-point, boldfaced type, and in capital letters in English, Spanish, and any other language in which the solicitation is printed.

(b) The disclosure described by Subsection (a) must state:

1 "THIS NOTICE IS NOT FROM A GOVERNMENTAL ENTITY. BUSINESS
2 CERTIFICATION DOCUMENTS CAN BE OBTAINED DIRECTLY FROM THE TEXAS
3 SECRETARY OF STATE'S OFFICE."

4 Sec. 17.963. REQUIRED DISCLOSURE FOR TELEPHONE OR IN-PERSON
5 SOLICITATIONS. (a) A nongovernmental entity or individual may not
6 make, or direct another person to make, a telephone or in-person
7 solicitation for the retrieval of a business certification document
8 unless the solicitor provides to each person solicited, at the
9 beginning of the solicitation and again before accepting payment
10 from the person, the disclaimer described by Subsection (b).

11 (b) The solicitor described by Subsection (a) must state to
12 the person being solicited:

13 "I DO NOT WORK FOR A GOVERNMENTAL ENTITY. BUSINESS
14 CERTIFICATION DOCUMENTS CAN BE OBTAINED DIRECTLY FROM THE TEXAS
15 SECRETARY OF STATE'S OFFICE."

16 (c) The disclaimer described by Subsection (b) must be made
17 slowly, in a clear voice, and in the same language in which the
18 solicitation is made.

19 Sec. 17.964. INVESTIGATION. (a) A complaint concerning a
20 violation of this subchapter may be made to the secretary of state.

21 (b) The secretary of state shall investigate a complaint
22 made under Subsection (a). The secretary of state may refer the
23 complaint to the attorney general.

24 Sec. 17.965. CIVIL PENALTY. (a) A person who violates this
25 subchapter is liable to this state for a civil penalty in an amount
26 not to exceed \$500 for each violation. Each solicitation is a
27 separate violation for purposes of this subsection.

1 (b) In determining the amount of the civil penalty imposed
2 under this section, the court shall consider the amount necessary
3 to deter future violations.

4 (c) The attorney general or the county attorney or district
5 attorney in the county in which the violation occurs may bring an
6 action to recover a civil penalty under this section.

7 SECTION 2. The changes in law made by this Act apply only to
8 a solicitation made on or after the effective date of this Act.

9 SECTION 3. This Act takes effect September 1, 2025.