

1-1 By: Hancock S.B. No. 2690
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 May 5, 2025, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; May 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Schwertner	X		
1-9	King	X		
1-10	Blanco	X		
1-11	Campbell	X		
1-12	Creighton	X		
1-13	Johnson	X		
1-14	Kolkhorst	X		
1-15	Menéndez	X		
1-16	Middleton	X		
1-17	Nichols	X		
1-18	Zaffirini	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to solicitations for the retrieval of certain documents
1-22 from the secretary of state; providing a civil penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 17, Business & Commerce Code, is amended
1-25 by adding Subchapter M to read as follows:

1-26 SUBCHAPTER M. SOLICITATIONS FOR RETRIEVAL OF CERTAIN GOVERNMENT
1-27 DOCUMENTS

1-28 Sec. 17.961. DEFINITION. In this subchapter, "business
1-29 certification document" means a document:

1-30 (1) required to be filed with the secretary of state
1-31 under Chapter 4, Business Organizations Code; or

1-32 (2) produced by the secretary of state affirming that
1-33 a document described by Subdivision (1) was filed or that a specific
1-34 business organization exists.

1-35 Sec. 17.962. REQUIRED DISCLOSURE FOR MAIL SOLICITATIONS.

1-36 (a) A nongovernmental entity or individual may not mail, or direct
1-37 another person to mail, a solicitation for the retrieval of a
1-38 business certification document unless the solicitor includes with
1-39 the mailed solicitation the disclosure required by this section,
1-40 prominently displayed in 18-point, boldfaced type, and in capital
1-41 letters in English, Spanish, and any other language in which the
1-42 solicitation is printed.

1-43 (b) The disclosure described by Subsection (a) must state:

1-44 "THIS NOTICE IS NOT FROM A GOVERNMENTAL ENTITY. BUSINESS
1-45 CERTIFICATION DOCUMENTS CAN BE OBTAINED DIRECTLY FROM THE TEXAS
1-46 SECRETARY OF STATE'S OFFICE."

1-47 Sec. 17.963. REQUIRED DISCLOSURE FOR TELEPHONE OR IN-PERSON

1-48 SOLICITATIONS. (a) A nongovernmental entity or individual may not
1-49 make, or direct another person to make, a telephone or in-person
1-50 solicitation for the retrieval of a business certification document
1-51 unless the solicitor provides to each person solicited, at the
1-52 beginning of the solicitation and again before accepting payment
1-53 from the person, the disclaimer described by Subsection (b).

1-54 (b) The solicitor described by Subsection (a) must state to
1-55 the person being solicited:

1-56 "I DO NOT WORK FOR A GOVERNMENTAL ENTITY. BUSINESS
1-57 CERTIFICATION DOCUMENTS CAN BE OBTAINED DIRECTLY FROM THE TEXAS
1-58 SECRETARY OF STATE'S OFFICE."

1-59 (c) The disclaimer described by Subsection (b) must be made
1-60 slowly, in a clear voice, and in the same language in which the
1-61 solicitation is made.

2-1 Sec. 17.964. INVESTIGATION. (a) A complaint concerning a
2-2 violation of this subchapter may be made to the secretary of state.

2-3 (b) The secretary of state shall investigate a complaint
2-4 made under Subsection (a). The secretary of state may refer the
2-5 complaint to the attorney general.

2-6 Sec. 17.965. CIVIL PENALTY. (a) A person who violates this
2-7 subchapter is liable to this state for a civil penalty in an amount
2-8 not to exceed \$500 for each violation. Each solicitation is a
2-9 separate violation for purposes of this subsection.

2-10 (b) In determining the amount of the civil penalty imposed
2-11 under this section, the court shall consider the amount necessary
2-12 to deter future violations.

2-13 (c) The attorney general or the county attorney or district
2-14 attorney in the county in which the violation occurs may bring an
2-15 action to recover a civil penalty under this section.

2-16 SECTION 2. The changes in law made by this Act apply only to
2-17 a solicitation made on or after the effective date of this Act.

2-18 SECTION 3. This Act takes effect September 1, 2025.

2-19 * * * * *