

Revisions to Texas Administrative Rules Concerning Notaries Public
Effective February 10, 2016
Compiled by American Society of Notaries

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Texas Administrative Code Title 1, Part 4, Chapter 87 – Notary Public	
Final Rule Number	Revised Rule Text Effective ON/AFTER Feb. 10, 2016 <i>(New text is underlined; deleted text is stricken-through.)</i>
<p>§87.1 <i>(Amended to provide specificity as to the information required to be included in the application.)</i></p>	<p>Application for a Commission as a Notary Public.</p> <p>(a) The secretary of state appoints notaries public under the provisions of article IV, §26 of the Texas Constitution and Chapter 406, Government Code.</p> <p>(b) All persons applying for a notary public commission shall use the application form prescribed by the secretary of state. <u>The application shall include:</u></p> <p><u>(1) the applicant's name to be used in acting as a notary public;</u> <u>(2) the applicant's mailing address;</u> <u>(3) the applicant's county of residence;</u> <u>(4) the applicant's date of birth;</u> <u>(5) the applicant's driver's license number or the number of other official state-issued identification; and</u> <u>(6) the applicant's social security number.</u></p> <p><u>(c) An applicant must secure a bond if required to do so by §406.010 of the Government Code. To evidence the bond, the application shall include the signature of a person authorized by the surety company providing the bond.</u></p> <p><u>(d) The applicant shall execute, in the name under which the commission is sought, the statement of officer as required by section 1, article XVI, of the Texas Constitution.</u></p> <p><u>(e) The application form is available on the secretary of state web site at www.sos.state.tx.us/statdoc/statforms.shtml or may be obtained by writing the Office of the Secretary of State, Notary Public Unit, P.O. Box 13375, Austin, Texas 78711. See form 2301. The application form for a notary who is an officer or employee of a state agency is form 2301-NB, available on the web site of the State Office of Risk Management at www.sorm.state.tx.us.</u></p> <p>[(c) The application form is available on the secretary of state web site at www.sos.state.tx.us/statdoc/statforms.shtml or may be obtained by writing the Office of the Secretary of State, Notary Public Unit, P.O. Box 13375, Austin, Texas 78711. See form 2301. The application form for a notary who is an officer or employee of a state agency is form 2301-NB, available on the web site of the State Office of Risk Management at www.sorm.state.tx.us.]</p>
<p>§87.2 <i>(Amended to clarify the definition of moral turpitude, and relocate the definition from amended §87.11.)</i></p>	<p>Eligibility to Hold the Office of Notary Public.</p> <p>(a) Subject to the provision in subsection (b) of this section and §87.70 of this title (relating to Qualification by an Escrow Officer Residing in an Adjacent State), a person is eligible to be a notary public if the person is 18 years of age or older and a resident of Texas.</p> <p>(b) A person is not eligible to be a notary public if the person was convicted of a crime involving moral turpitude or a felony and the conviction has become final, has not been set aside, and no pardon or certificate of restoration of citizenship rights has been granted.</p> <p><u>(c) A crime involving moral turpitude includes the commission of a crime involving dishonesty, fraud, deceit, misrepresentation, deliberate violence, moral depravity, or that reflects adversely on the applicant's honesty, trustworthiness, or fitness as a notary public, which may include, but not be limited to:</u></p> <p><u>(1) Class A and B type misdemeanors; and</u> <u>(2) felony convictions which have not been set aside, or for which no pardon or certificate of restoration of citizenship rights have been granted.</u></p> <p><u>(d) Final Class C type misdemeanor convictions shall not be considered in determining good cause.</u></p> <p><u>(e) If an applicant is not eligible, the secretary of state will reject the application.</u></p> <p><u>(f) If the secretary of state discovers, at any time, that an applicant or commissioned notary public is not eligible, the secretary of state will reject the notary application or revoke the notary commission.</u></p> <p>[(e) If an applicant is not eligible, the secretary of state will reject the application.]</p> <p>[(d) If the secretary of state discovers, at any time, that an applicant or commissioned notary public is not eligible, the secretary of state will reject the notary application or revoke the notary commission.]</p>

<p>§87.3 (Unchanged)</p>	<p>Issuance of the Notary Public Commission by the Secretary of State.</p> <p>(a) The secretary of state shall commission a qualified applicant. An applicant is qualified if:</p> <p>(1) the applicant meets the eligibility requirements stated in §87.2 of this title (relating to Eligibility to Hold the Office of Notary Public);</p> <p>(2) the applicant submits:</p> <p>(A) a properly completed and executed application;</p> <p>(B) the bond as provided in §406.010, Government Code, if required;</p> <p>(C) the statement of officer and oath of office required by article XVI, §1 Texas Constitution;</p> <p>(D) payment to the secretary of state of fees required by §406.007, Government Code; and</p> <p>(3) no good cause exists for rejecting the application.</p> <p>(b) The secretary of state shall not commission an applicant if the applicant had a prior application rejected or a commission revoked for a finding of ineligibility or good cause and the reason for ineligibility or grounds for good cause continues to exist.</p> <p>(c) When all conditions for qualification have been met, the application shall be approved, stamped "qualified" with the date of qualification, and filed. The secretary of state shall cause a commission to be issued and sent to each notary public who has qualified. A commission is effective as of the date of qualification.</p> <p>(d) If an application is not properly completed and executed, the qualification of the applicant will be delayed. The secretary of state shall notify the applicant in writing stating the reason or reasons why the commission was not issued, and the steps which must be taken to correct the errors or omissions. The applicant shall have 30 days from the date of the notice to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.</p>
<p>§87.4 (Prior language is repealed. This section is rewritten to clarify that the name on the notary seal must match the name as commissioned. Also clarifies applicability of requirement to include the notary identifying number on the seal.)</p>	<p><u>Notary Seal.</u></p> <p><u>(a) The name on the notary seal must match the name, as stated on the application, under which the notary public is commissioned and performs all notarial acts.</u></p> <p><u>(b) For all applicants commissioned or recommissioned on or after January 1, 2016, the notary seal must contain the identifying number issued by the secretary of state.</u></p> <p><u>(c) For notaries who were commissioned or recommissioned prior to January 1, 2016, the seal of such notaries is not required to contain the identifying number issued by the secretary of state until the notary is recommissioned in accordance with the procedures specified in §406.011, Texas Government Code, and §87.7 of this title (relating to Renewal of Commission). The seal of notaries who were commissioned or recommissioned prior to January 1, 2016 may, however, contain the identifying number issued by the secretary of state prior to the notary being recommissioned in accordance with the procedures specified in §406.011, Texas Government Code, and §87.7 of this title (relating to Renewal of Commission).</u></p>
<p>§87.5 (Prior language is repealed. This section now includes information previously found in §87.4.)</p>	<p><u>Qualification by an Officer or Employee of a State Agency Who Does Not Furnish a Notary Public Bond.</u></p> <p><u>(a) An applicant who is an officer or employee of a state agency is not required to provide a surety bond. For the purpose of this chapter, "state agency" has the meaning assigned by §2052.101, Government Code.</u></p> <p><u>(b) An applicant who is an officer or employee of a state agency and does not provide a surety bond must complete the notary public application entitled "Application for Appointment as a Notary Public Without Bond" (Form 2301-NB).</u></p> <p><u>(c) The State Agency employing the applicant must submit the completed application to the State Office of Risk Management.</u></p> <p><u>(d) The State Office of Risk Management shall complete the verification certificate on the application and forward the completed application to the Office of the Secretary of State for processing.</u></p> <p><u>(e) The secretary of state shall commission the applicant if:</u></p> <p><u>(1) the applicant meets the eligibility requirements stated in §87.2 of this title (relating to Eligibility to Hold the Office of Notary Public);</u></p> <p><u>(2) the applicant submits:</u></p> <p><u>(A) a properly completed and executed application verified by the State Office of Risk Management;</u></p> <p><u>(B) the statement of officer and oath of office required by article XVI, §1 Texas Constitution;</u></p> <p><u>(C) the payment of fees required by §406.007(a)(2) and §406.007(b), Government Code; and</u></p> <p><u>(3) no good cause exists for rejecting the application.</u></p>

<p>§87.6 (Prior language is repealed. This section now includes information previously found in §87.5. Also clarifies certain provisions.)</p>	<p><u>Change in Employment Status by an Officer or Employee of a State Agency Who Has Qualified Without a Surety Bond.</u></p> <p>(a) <u>If a notary public who has qualified without a surety bond transfers to another state agency, the agency to which the notary public transfers shall notify the State Office of Risk Management and the Office of the Secretary of State of the transfer.</u></p> <p>(b) <u>If a notary public terminates state employment, the notary public shall:</u></p> <p>(1) <u>voluntarily surrender the notary public commission;</u></p> <p>(2) <u>purchase and provide evidence to the secretary of state of the purchase of a notary public bond for the time period remaining on the notary's current term of office; or</u></p> <p>(3) <u>voluntarily surrender the notary public commission and apply for a new term of office, provide a notary public bond, and pay the applicable fees.</u></p> <p>(c) <u>Failure to take one of the actions set forth in subsection (b) of this section within 30 days of termination of state employment is good cause for revocation of the notary public's commission.</u></p>
<p>§87.7 (New section containing information previously found in §87.6. Also clarifies certain provisions.)</p>	<p><u>Renewal of Commission.</u></p> <p>(a) <u>A notary seeking to renew a commission shall file an application for renewal in the same manner and on the same form as if the notary was filing an original application for commission. The secretary of state will accept applications for renewal not sooner than 90 days before the expiration of the notary public's current commission. The renewal must be received by the secretary of state no later than the expiration date of the notary public's current commission.</u></p> <p>(b) <u>The secretary of state shall determine eligibility for renewals according to the same standards as initial applicants, in accordance with §87.2 of this title (relating to Eligibility to Hold the Office of Notary Public) and §406.004, Government Code. The secretary of state is not bound by prior determinations of eligibility.</u></p>
<p>§87.10 (Amended)</p>	<p><u>Rejection of Application and Revocation of Commission.</u></p> <p>The secretary of state shall, for ineligibility or good cause, reject any application, revoke the commission of any notary public, or take other disciplinary action, as outlined in §87.24 of this title (relating to Disciplinary Action), against a notary public as the secretary of state deems appropriate. Rejection, revocation, and <u>suspension [disciplinary]</u> proceedings will be held pursuant to the right of notice, hearing, and adjudication as set out in the rules of practice and procedure before the Office of the Secretary of State, the rules of the State Office of Administrative Hearings and the Administrative Procedure Act, Government Code, §§2001.001 - 2001.902. Any party to a contested case has the right to be represented by legal counsel. Such action will be subject to the right of appeal to a district court of Travis County.</p>
<p>§87.11 (Amended to emphasize that public information requests must be responded to promptly, and to add additional items.)</p>	<p><u>Good Cause.</u></p> <p>(a) Good cause may include the following:</p> <p>(1) <u>a false statement knowingly made in a notary public application;</u></p> <p>(2) <u>a final conviction for the violation of any law concerning the regulation of the conduct of notaries public in this state or any other state;</u></p> <p>(3) <u>use of the phrase "notario" or "notario publico" in connection with advertising or offering the services of a notary public;</u></p> <p>(4) <u>false representation as an attorney as specified in §406.017, Government Code;</u></p> <p>(5) <u>a failure to fully and faithfully discharge any of the duties or responsibilities required of a notary public;</u></p> <p>(6) <u>the unauthorized practice of law;</u></p> <p>(7) <u>a failure to utilize a correct notary seal as described in §406.013, Government Code;</u></p> <p>(8) <u>a failure to administer an oath or affirmation as required by law;</u></p> <p>(9) <u>the collection of a fee in excess of the fees authorized by §406.024, Government Code;</u></p> <p>(10) <u>the execution of any certificate as a notary public containing a statement known to the notary public to be false;</u></p> <p>(11) <u>a failure to complete the notarial certificate at the time the notary public's signature and seal are affixed to the document;</u></p> <p>(12) <u>the advertising or holding out in any manner that the notary public is an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters;</u></p> <p>(13) <u>the use of false or misleading advertising of either an oral or written nature, whereby the notary public has represented or indicated that he or she has duties, rights, powers, or privileges that are not possessed by law;</u></p> <p>(14) <u>performing a notarization when the purported signer did not personally appear before the notary at the time the notarization is executed;</u></p> <p>(15) <u>previous disciplinary action against the notary public in accordance with these sections;</u></p> <p>(16) <u>a failure to comply with, or violation of, a previous disciplinary action taken pursuant to §87.24 of this title (relating to Disciplinary Action);</u></p>

	<p><u>(17) a failure to promptly respond to a request for public information in accordance with §87.42 of this title (relating to Public Information);</u></p> <p><u>(18) a failure to properly identify the individual whose signature is being notarized; and</u></p> <p><u>(19) a failure to keep a notary record as described in §406.014, Government Code, and this chapter.</u></p> <p>[(1) ineligibility due to a final felony conviction;]</p> <p>[(2) ineligibility due to a final conviction for a crime involving moral turpitude;]</p> <p>[(3) a false statement knowingly made in a notary public application;]</p> <p>[(4) a final conviction for the violation of any law concerning the regulation of the conduct of notaries public in this state or any other state;]</p> <p>[(5) use of the phrase "notario" or "notario publico" in connection with advertising or offering the services of a notary public;]</p> <p>[(6) false representation as an attorney as specified in §406.017, Government Code;]</p> <p>[(7) a failure to fully and faithfully discharge any of the duties or responsibilities required of a notary public;]</p> <p>[(8) the unauthorized practice of law;]</p> <p>[(9) a failure to utilize a correct notary seal as described in §406.013, Government Code;]</p> <p>[(10) a failure to administer an oath or affirmation as required by law;]</p> <p>[(11) the collection of a fee in excess of the fees authorized by §406.024, Government Code;]</p> <p>[(12) the execution of any certificate as a notary public containing a statement known to the notary public to be false;]</p> <p>[(13) a failure to complete the notarial certificate at the time the notary public's signature and seal are affixed to the document;]</p> <p>[(14) the advertising or holding out in any manner that the notary public is an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters;]</p> <p>[(15) the use of false or misleading advertising of either an oral or written nature, whereby the notary public has represented or indicated that he or she has duties, rights, powers, or privileges that are not possessed by law;]</p> <p>[(16) performing a notarization when the purported signer did not personally appear before the notary at the time the notarization is executed;]</p> <p>[(17) previous disciplinary action against the notary public in accordance with these sections;]</p> <p>[(18) a failure to comply with, or violation of, a previous disciplinary action taken pursuant to §87.24 of this title (relating to Disciplinary Action); and]</p> <p>[(19) a failure to respond to a request for public information.]</p> <p>[(b) A crime involving moral turpitude means the commission of a crime involving dishonesty, fraud, deceit, misrepresentation, deliberate violence, moral depravity, or that reflects adversely on the applicant's honesty, trustworthiness, or fitness as a notary public, which may include, but not be limited to:]</p> <p>[(1) Class A and B type misdemeanors; and]</p> <p>[(2) felony convictions which have not been set aside, or for which no pardon or certificate of restoration of citizenship rights have been granted.]</p> <p>[(c) Final Class C type misdemeanor convictions shall not be considered in determining good cause.]</p>
<p>§87.20 <i>(Unchanged)</i></p>	<p>Qualification Under New Name.</p> <p>During the four-year term of office, a notary public may change the name on the notary commission by submitting the following to the secretary of state:</p> <ol style="list-style-type: none"> (1) an Application for Change of Name as a Texas Notary Public (Form 2305 available on the secretary of state web site at www.sos.state.tx.us/statdoc/statforms.shtml); (2) a rider or endorsement to the bond on file with the secretary of state from the surety company or its agent or representative specifying the change of name; (3) the current certificate of commission or a signed and notarized statement that the notary public will perform all future notarial acts under the name specified on the amended commission; and (4) the statutory fees for the issuance of a commission and the filing of a bond.
<p>§87.21 <i>(Unchanged)</i></p>	<p>Rejection of Change of Name.</p> <p>If the submission of the change of name does not comply with §87.20 of this title (relating to Qualification Under New Name), the secretary of state shall notify the notary public in writing of any deficiency. The notary public shall have 30 days from the date of the notice to respond. If no response is received within that time period, the request for the change of name will be considered abandoned and all fees paid will be forfeited.</p>

<p>§87.22 <i>(Amended to specify that a notary must obtain a new seal when qualified under a new name.)</i></p>	<p>Issuance of Amended Commission. <u>(a) If the submission of the change of name complies with §87.20 of this title (relating to Qualification Under New Name), the secretary of state shall issue an amended commission to the notary public in the name requested. Upon issuance of the amended commission, the notary public must perform all notarial acts using the name on the amended commission.</u> <u>(b) Upon qualifying under a new name, a notary public must obtain a new seal that contains the name, as specified on the amended commission, under which the notary will perform all future notarial acts.</u></p>
<p>§87.23 <i>(Prior language is repealed. This section provides new language on submitting a complaint.)</i></p>	<p>Submitting a Complaint. <u>(a) The jurisdiction of the secretary of state to investigate a complaint is limited to individuals that are commissioned or have applied for commission or renewal of a commission as a Texas notary public. The jurisdiction of the secretary of state to investigate a complaint ceases upon the expiration, revocation or surrender of a notary public commission, except as provided in §87.26 of this title (relating to Time for Action).</u> <u>(b) A person harmed by the actions of a notary public may file a complaint with the secretary of state on a form prescribed by the secretary of state. The complaint shall include:</u> <u>(1) the name of the notary public that is the subject of the complaint;</u> <u>(2) the expiration date of the notary public's current commission;</u> <u>(3) the name and address of the individual filing the complaint;</u> <u>(4) a recitation of the facts, within the personal knowledge of the complainant, relating to the alleged misconduct by the notary; and</u> <u>(5) copies of the notarized documents that are the subject of the complaint.</u> <u>(c) The complaint shall be signed and verified by the person alleging misconduct on the part of the notary.</u> <u>(d) The secretary of state may, for good cause, as defined in §87.11 of this title (relating to Good Cause), and/or as otherwise referenced in this title, initiate its own complaint against a notary public.</u></p>
<p>§87.24 <i>(Prior language is repealed. This section now contains information previously found in §87.23. References newly revised Sections 87.23 and 87.25.)</i></p>	<p>Complaint Procedures. <u>(a) The secretary of state may determine that the allegations in the complaint are not sufficient to warrant formal disciplinary action. In such case, the secretary of state may:</u> <u>(1) take no action on the complaint;</u> <u>(2) informally advise the notary public of the appropriate conduct and the applicable statutes and rules governing the conduct; or</u> <u>(3) request further information from the complainant or the notary prior to taking action.</u> <u>(b) If the secretary of state determines that the complaint alleges sufficient facts to constitute good cause for disciplinary action against the notary public, and the complaint complies with §87.23 of this title (relating to Submitting a Complaint), the secretary of state shall send a copy of the complaint to the notary public with a request to the notary to respond to the statements in the complaint.</u> <u>(c) The notary public must respond to the complaint in writing. The response must:</u> <u>(1) specify any disputed facts and provide such additional information as the notary public shall desire;</u> <u>(2) be signed and sworn to by the notary before a person authorized to administer oaths;</u> <u>(3) include copies of the pages of the notary record book referencing the notarization that is the subject of the complaint; and</u> <u>(4) be received by the secretary of state within 20 days of mailing of the copy of the complaint to the notary public.</u> <u>(d) The secretary of state shall review the response and determine whether further administrative action is appropriate. If the secretary determines that no further action is appropriate, the secretary shall notify the notary public and the complainant of the determination in writing.</u> <u>(e) If the secretary determines that further administrative action is appropriate, the secretary shall follow the procedures set forth in this §87.25 of this title (relating to Disciplinary Action).</u></p>
<p>§87.25 <i>(Prior language is repealed. This section now contains information previously found in §87.24.)</i></p>	<p>Disciplinary Action. <u>(a) The secretary of state has discretion to determine that the conduct that forms the basis of a complaint against a notary public does not warrant disciplinary action against the notary public and take no further action on the complaint. If the secretary of state determines that disciplinary action should be taken the secretary of state may pursue the following disciplinary actions:</u> <u>(1) an official reprimand to the notary public; or</u> <u>(2) an agreement by the notary to:</u> <u>(A) not engage in any further misconduct;</u> <u>(B) to voluntarily surrender the notary public commission;</u> <u>(C) to accept a suspension of the notary public commission for a set period of time;</u></p>

	<p><u>(D) to complete a course of study relating to the powers, duties, and responsibilities of a notary public;</u> <u>(E) not seek renewal of a notary public commission for a specified period of time; or</u> <u>(F) to take such other action as the secretary deems appropriate; or</u> <u>(3) revocation of the notary commission.</u></p> <p><u>(b) If no agreement can be reached, before taking action to suspend or revoke the notary public commission, the secretary of state shall give written notice to the notary of a right to a hearing in accordance with the rules of practice and procedure before the secretary of state. If a hearing is timely requested, the secretary of state shall follow the provisions of the Administrative Procedure Act, Chapter 2001, Texas Government Code governing the initiation and conduct of a contested case proceeding.</u></p> <p><u>(c) It is within the secretary of state's discretion to determine that no action should be taken or to enter into an agreement with the notary regarding the appropriate action. The secretary of state shall close the notary complaint file upon a determination that no further action is necessary or conclusion of an agreement with the notary. After the notary complaint file is closed, the secretary of state will take no further action on the complaint and will not accept an additional complaint with the same or substantially same allegations.</u></p>
<p>§87.26 <i>(New section containing information previously found in §87.25. Also addresses the effect of unresolved complaints on a new or renewal application.)</i></p>	<p><u>Time for Action.</u> <u>The secretary of state may take disciplinary action for an act or omission which occurred during a prior term of office. The secretary may also require any pending complaints against a notary that remain at the expiration of the notary's prior commission to be resolved prior to accepting a renewal or new application for appointment as a notary public. Failure to reach a resolution on an unresolved complaint may result in the rejection of an application for appointment or renewal.</u></p>
<p>§87.30 <i>(Amended to provide that a private employer may restrict the activities of its employee notaries during work hours. Also clarifies grounds for refusing to notarize due to the capacity of the signer.)</i></p>	<p><u>Refusal of Requests for Notarial Services.</u></p> <p>(a) A notary is authorized to refuse to perform a notarial act if:</p> <ol style="list-style-type: none"> (1) the notary has reasonable grounds to believe that the signer is acting under coercion or undue influence; (2) the notary has reasonable grounds to believe that the document in connection with which the notarial act is requested may be used for an unlawful or improper purpose; (3) the notary has <u>reasonable grounds to believe</u> the signing party <u>does not have the capacity</u> to understand the contents of the document; (4) the notary is not familiar with the type of notarization requested. <p>(b) A notary who is employed by a governmental body shall not perform notarial services that interfere with the notary's discharge of the notary's duties as a public employee.</p> <p><u>(c) A private employer may limit or prohibit an employee that is a notary public from notarizing during work hours.</u></p> <p><u>(d) A notary may not refuse a request for notarial services on the basis of the sex, age, religion, race, ethnicity or national origin of the requesting party.</u></p> <p><u>(e) A notary should refuse a request for notarial services only after careful deliberation.</u></p> <p>[(c) A notary may not refuse a request for notarial services on the basis of the sex, age, religion, race, ethnicity or national origin of the requesting party.]</p> <p>[(d) A notary should refuse request for notarial services only after careful deliberation.]</p>
<p>§87.40 <i>(Unchanged)</i></p>	<p><u>Prohibition Against Recording Personal Information.</u></p> <p>(a) A notary public (other than a court clerk notarizing instruments for the court) shall not record in the notary's record book:</p> <ol style="list-style-type: none"> (1) an identification number that was assigned by a governmental agency or by the United States to the signer, grantor or maker and that is set forth on the identification card or passport presented as identification; or (2) any other number that could be used to identify the signer, grantor or maker of the document. <p>(b) This section does not prohibit a notary from recording a number related to the residence of the signer, grantor or maker of the document or the instrument.</p>

<p>§87.41 (Unchanged)</p>	<p>Form of Record Book. A notary may maintain the notary record book electronically in a computer or other storage device so long as the records from that book are adequately backed-up and are capable of being printed in a tangible medium when requested.</p>
<p>§87.42 (Amended to specify how a notary shall respond to requests for public information.)</p>	<p>Public Information. Entries in the notary public record book are public information. On payment of all fees, the notary shall promptly provide a certified copy of any record in the notary public's record book to any person requesting the copy. <u>The notary shall provide the certified copy no later than 10 business days from the date of receipt of the fees, unless the notary cannot produce the certified copy within 10 business days from the date of receipt of the fees, in which case the notary shall certify that fact in writing to the person requesting the copy on or before the 10th business day from the date of receipt of the fees, and set a date and hour within a reasonable time when the certified copy will be provided, and shall provide the information by that date and hour.</u> If the notary has inadvertently included personal identifiable information in the record book contrary to §87.40 of this title (relating to Prohibition Against Recording Personal Information), the notary must redact that personal information prior to release of the information.</p>
<p>§87.43 (Amended to clarify consequences of failure to respond promptly to requests for public information.)</p>	<p>Failure to Provide Public Information. Failure <u>of a notary public to promptly</u> respond to a request for public information <u>in accordance with §87.42 of this title (relating to Public Information)</u> may be good cause for suspension or revocation of a notary commission or other disciplinary action against the notary.</p>
<p>§87.44 (Unchanged)</p>	<p>Records Retention. A notary shall retain, in a safe and secure manner, copies of the records of notarization performed for the longer of the term of the commission in which the notarization occurred or three years following the date of notarization.</p>
<p>§87.50 (Unchanged)</p>	<p>Change of Address.</p> <p>(a) A notary must notify the secretary of state in writing of a change in address within 10 days of the change. To notify the secretary of state of a change of address, the notary should complete and submit form 2302 (Notary Public Change of Address Form). This form is available on the secretary of state web site at www.sos.state.tx.us/statdoc/statforms.shtml.</p> <p>(b) The secretary of state sends all official notices, including notices of complaints, to the notary at the address on file with the secretary's office. Requests to obtain copies of or inspect the records in the notary record book are also directed to the notary at the address on file. Failure to change the address may, consequently, result in a revocation of the notary commission if the notary fails to timely respond to a complaint or to a request for public information.</p> <p>(c) A notary public who removes his or her residence from Texas vacates the office of notary public and must surrender the notary commission to the secretary of state.</p>
<p>§87.60 (Amended)</p>	<p>Electronic Submission.</p> <p>(a) The secretary of state <u>has developed [may develop]</u> a system for electronic submission of the application for notary public commission, the notary bond, and the statement of officer. <u>The [On implementation, the]</u> secretary of state <u>authorizes [will authorize]</u> the submission of these documents electronically on behalf of a notary under the following terms and conditions:</p> <p>(1) the submitter must comply with the technical specifications contained in the <i>eNotary Web Service Consumer's Guide</i> available through the Information Technology Division of the Office of the Secretary of State;</p> <p>(2) the notary application and the statement of officer signed by the applicant and the surety bond signed by an officer or attorney-in-fact for the surety must be attached to the electronic submission as an image in the format specified in the <i>eNotary Web Service Consumer's Guide</i>; and</p> <p>(3) all fees must be paid by prepaid account, LegalEase® or credit card.</p> <p>(b) If the applicant is commissioned, the secretary of state <u>shall cause [will return]</u> the commission <u>to be issued</u> and the educational materials <u>to be sent to</u> the notary <u>[by regular mail]</u>. On commission, the applicable fees will be charged to the prepaid account, LegalEase® or the credit card.</p> <p>(c) If the application is rejected, the secretary of state will return a notice of the rejection to the submitter</p>

	<p>electronically. On rejection, no fees are charged to the account, LegalEase® or to the credit card.</p> <p>(d) Status of a notary application may be checked on SOSDirect.</p> <p>(e) If the submitter is not able to consistently comply with the technical specifications and the submissions are failing as a result, the secretary of state may revoke the privilege of the submitter to submit electronically until all technical issues are resolved to the satisfaction of the secretary of state.</p> <p>(f) As part of the electronic submission, the submitter is responsible for accurately entering the data elements related to the application. Repeated and consistent entry errors may result in a revocation of the privilege of the submitter to submit electronically.</p>
<p>§87.61 <i>(Amended)</i></p>	<p>Records Retention for Electronic Submissions.</p> <p>The submitter <u>shall</u> should retain the original signed application, <u>surety bond</u> and statement of officer <u>until</u> [for the duration of] the commission <u>is issued by the secretary of state.</u> [to which these documents apply. If the submitter intends to destroy the original documents prior to expiration of the commission, the submitter should confirm with the secretary of state that the image file transmitted with the application is stored and available in the secretary of state's computer system.]</p>
<p>§87.62 <i>(Unchanged)</i></p>	<p>Applications on Behalf of an Applicant with a Criminal Conviction.</p> <p>The secretary of state will not accept electronic applications on behalf of an applicant who has been convicted of a felony or a crime of moral turpitude. The application under these circumstances (along with the statement of officer, the bond, the explanation of the criminal conviction and the applicable fees) must be delivered to the secretary of state by mail, courier or personal delivery.</p>
<p>§87.70 <i>(Unchanged)</i></p>	<p>Qualification by an Escrow Officer Residing in an Adjacent State.</p> <p>(a) An applicant who is qualified as an escrow officer within the meaning assigned by §2652.051, Insurance Code, is not required to be a resident of Texas if the applicant is a resident of New Mexico, Oklahoma, Arkansas or Louisiana.</p> <p>(b) The secretary of state shall commission the applicant if, notwithstanding the residency requirements, the applicant satisfies the conditions of subsection (a) of this section and §87.3 of this title (relating to Issuance of the Notary Public Commission by the Secretary of State).</p> <p>(c) A notary public, appointed under this section, who ceases to be qualified under this section, must voluntarily surrender the notary public commission.</p>