



AMERICAN SOCIETY OF NOTARIES

TEXAS

RECORDBOOK—REQUIRED

State-Specific Recordbook Requirements - Revised November 2009

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

Texas Statutes, Government Code

Title 3, Chapter 312, Construction of Laws

Subchapter B, Miscellaneous Provisions (relevant sections only)

§ 406.012. INSPECTION OF RECORDS.

All records concerning the appointment and qualification of the notary public shall be kept in the office of the secretary of state. The records are public information.

§ 406.014. NOTARY RECORDS.

(a) A notary public other than a court clerk notarizing instruments for the court shall keep in a book a record of:

- (1) the date of each instrument notarized;
- (2) the date of the notarization;
- (3) the name of the signer, grantor, or maker;
- (4) the signer's, grantor's, or maker's residence or alleged residence;
- (5) whether the signer, grantor, or maker is personally known by the notary public, was identified by an identification card issued by a governmental agency or a passport issued by the United States, or was introduced to the notary public and, if introduced, the name and residence or alleged residence of the individual introducing the signer, grantor, or maker;
- (6) if the instrument is proved by a witness, the residence of the witness, whether the witness is personally known by the notary public or was introduced to the notary public and, if introduced, the name and residence of the individual introducing the witness;
- (7) the name and residence of the grantee;
- (8) if land is conveyed or charged by the instrument, the name of the original grantee and the county where the land is located; and
- (9) a brief description of the instrument.

(b) Entries in the notary's book are public information.

(c) A notary public shall, on payment of all fees, provide a certified copy of any record in the notary public's office to any person requesting the copy.

(d) A notary public who administers an oath pursuant to Article 45.019, Code of Criminal Procedure, is exempt from the requirement in Subsection (a) of recording that oath.

(e) A notary public may maintain the records required by Subsection (a) electronically in a computer or other storage device.

§ 406.015. COPIES CERTIFIED BY COUNTY CLERK.

(a) A copy of a record, declaration, protest, or other official act of a notary public may be certified by the county clerk with whom the instrument is deposited.

(b) A copy of an instrument certified by the county clerk under Subsection (a) has the same authority as if certified by the notary public by whom the record, declaration, protest, or other official act was originally made.

§ 406.022. EFFECT OF VACANCY.

If the office of a notary public becomes vacant due to resignation, removal, or death, the county clerk of the county in which the notary public resides shall obtain the record books and public papers belonging to the office of the notary public and deposit them in the county clerk's office.

**Texas Administrative Code
Title 1, Part 4, Chapter 87, Notary Public**

Subchapter E, Notary Records

Rule §87.60, Prohibition Against Recording Personal Information

(a) A notary public (other than a court clerk notarizing instruments for the court) that notarizes a document or instrument on behalf of a signer, grantor or maker that is identified to the notary by an identification card issued by a governmental agency or a passport issued by the United States may not record in the notary's book of record:

- (1) the identification number that was assigned by the governmental agency or by the United States to the signer, grantor or maker and that is set forth on the identification card or passport; or
- (2) any other number that could be used to identify the signer, grantor or maker of the document.

(b) Nothing in this section shall be construed to prohibit a notary from recording a number related to the residence or alleged residence of the signer, grantor or maker of the document or the instrument.

Rule §252.507, Notification Requirements Upon Transfer or Termination of Notaries Without Bond

(a) Upon transfer of any notary without bond to another state agency, the new agency shall immediately notify the Bonds and Insurance Section of the Office using the SORM-204.

(b) Upon termination of any notary without bond, the terminating agency shall immediately notify the Bonds and Insurance Section of the Office using the SORM-204.

(c) Notaries without bond should voluntarily resign notary commissions immediately before termination of state employment or as soon thereafter as practicable. Immediately before termination, each agency shall notify all notaries without bond of the Office's recommendation. The stamp shall remain with the agency upon termination of state employment as state property. The original of the notary record book shall remain with the employee unless the employee resigns the commission, in which case the employee shall comply with Government Code §406.022.