

One Minute Memo®



Texas Notary Seals Must Include State-Issued Identification Number as of January 1, 2016

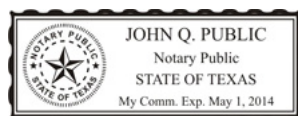
By Peter M. Oxman and Shima Jalalipour

Pursuant to Texas House Bill 1683, effective as of January 1, 2016, all Texas notary seals must include an identifying number issued by the Texas Secretary of State's Office. This statute only applies to notaries commissioned by the State of Texas and not to notaries commissioned in other states. Failure to apply a notary seal in compliance with the statute, may, pursuant to prior Texas case law, be tantamount to "no seal at all." This could expose such documents to claims of insufficient authorization — potentially rendering deeds, deeds of trust and other notarized documents invalid.

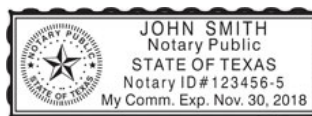
A notary's identifying number can be found by running a search for their name at the [Secretary of State's Notary Search page](#).

On December 18, 2015, the Texas Secretary of State published a proposed rule easing the strict January 1 "cut-off" requirement, so that for notaries who were commissioned or recommissioned prior to January 1, 2016, the seal is not required to contain the identifying number until the notary is recommissioned at some point on or after January 1, 2016. It is widely understood that this was the intent behind HB 1683. However, if and when this rule becomes effective, there is some question as to whether it would sufficiently trump the statutory language.

We recommend that all notaries use a seal which includes their identifying number. To update a seal, notaries can reach out to the bonding or supply company from which their existing seal was issued and request a new one that includes the identifying number. Examples of a seal with and without the identifying number can be found below.



(without identifying number)



(with identifying number)

If you have any questions, please contact your Seyfarth attorney, Peter Oxman at poxman@seyfarth.com or Shima Jalalipour at sjalalipour@seyfarth.com.

Citations:

Pargaman, William (Bill) D., *Is Anyone in Your Office a Notary? (Last Update - We Hope!)*, REPTL Section, State Bar of Texas, December 18, 2015.

Pargaman, William (Bill) D., *Is Anyone in Your Office a Notary?*, REPTL Section, State Bar of Texas, October 22, 2015.

40 Tex Reg 9023, Proposed Rules, Texas Secretary of State, December 18, 2015.

McKellar v. Peck, 39 Tex. 381 (Tex. 1873).

Texas legislative sessions and years, Legislative Reference Library of Texas.

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