

[← Back](#)

Texas: \$10,000 to send a text? Outrageous!  
Reply STOP to Stop.

SEPTEMBER 28, 2025

## How to Comply with Texas SB-140



Jonathan Fudem  
CEO and Co-Founder @ OneText



⚠ **Important:** Note that we/OneText are not lawyers and cannot offer legal advice.

Hi OneTexters,

### Urgent Compliance Update

On June 20, 2025, Texas passed **SB-140**, which require you to take two immediate and important actions. The original deadline was **September 1, 2025**, but you will want to respond, even if past the deadline. Any brand operating in the US will inevitably be texting Texas residents, so we urge you to treat registration and compliance as mandatory.

### Specifically, you need to:

1. [Register with the State of Texas](#) as an SMS sender.
2. Establish and document a \$10,000 "deposit" (really, this is more of a *pledge*, see below) to offset potential compliance violations.
3. Receive official approval from the Texas State Secretary of State -> Unfortunately, approvals are backlogged and taking weeks, so handle your registration as soon as possible.

The [registration form](#) is lengthy and requires a \$200/year fee. We recommend budgeting about two hours to complete.

Requirement 2 is less bad than it seems. You do NOT need to actually tie up the \$10K. We've partnered with [SuretyBonds.com](#) for an easy path with instant approval for \$100 / year.

### To receive your bond, email [texasuretybond@onetext.com](mailto:texasuretybond@onetext.com) and include:

- Email and phone number (this is personal or business phone, not your SMS sending number)
- Business Legal Name
- Business Address
- Business Owner's First and Last Name

You'll then receive a payment link and rapid issuance for your bond.

OneText is NOT compensated if you use our bond partner. We've partnered with [SuretyBonds.com](#) simply to give brands an easy onboarding experience.

Alternatively, if you prefer not to take out a bond, you can use a **Letter of Credit** or **Certificate of Deposit** to attest that you have the funds. OneText does not provide a partner for this route, so we advise working with your bank and financial institution for these options.

## What to Do Right Now

## Sign Our Petition to Amend and Delay This Law

[Sign Here](#)

We assume that you will need to comply. But the law is problematic, and we are not taking this lying down. Please [sign our petition](#) asking Texas to delay and modify this regulation. And reshare our social media posts encouraging brands to join: [Twitter/X](#), [LinkedIn](#).

## Reach Out if You Want To Use Our Surety Bond Partnership

Please email [texasuretybond@onetext.com](mailto:texasuretybond@onetext.com) with your business name, address, owner name, owner phone and owner address to receive rapid approval and a \$100 payment link for your Surety Bond.

## Start the Registration

[Register with the State of Texas](#) as an SMS sender.

## Registration Form Tips

### Question #8 and #9 (Addresses)

We interpret question 8 as a request for a list of all physical addresses (in our case, offices), and for #9, a request for the main address. We only have one office, so we listed that address for both of these on our registration.

### Question #10 (Phone Numbers)

Please list:

1. Your primary OneText Phone number or short code. [View your OneText number](#).
2. If you're in the process of applying for a short code, ask your OneText Success Manager for your expected short code number.
3. The phrase "[Your Brand Name] RCS sender" (this future proofs you for our RCS rollout)
4. If you use OneText alongside another SMS vendor, list the number(s) you use with that vendor as well.

For each phone number, we listed our primary office as the "address where each telephone is located".

### Question #15 (Registered Agent)

We recommend getting a registered agent in Texas and listing their address for #15. This is quick and easy through a service like [Northwest Registered Agent](#).

### Question #17 B (Sales Documentation)

#17 B asks you for documentation that you, the seller, share with your salespeople, not your marketing copy. For many brands this is minimal to non-existent. If you have any brand guidelines that you've passed to OneText, you can include that here. You also can copy your [OneText brand profile](#).

### Additional tips:

- You'll also need to complete this [accompanying form](#) appointing the Texas Secretary of State as Agent of Service.
- You'll then need to sign each of these forms and have them notarized. We recommend doing this online and using a service like [Notarize](#).

## Exemptions

SB-140 includes several exemptions. Exempt brands do not need to register or provide a deposit. Unfortunately, the exemptions are quite narrow and many brands will NOT be exempt.

If you think an exemption might apply, we urge you to contact an attorney to confirm. We expect that the majority of brands using OneText will need to register.

### Exemption Options:

1. Brands that exclusively sell **food for human consumption**. Brands that sell non-alcoholic, non-supplement food or beverages and who don't sell non-food products should contact an attorney about obtaining this exemption. See the list below for more on what does and does not qualify as food.
2. Certain **publicly-traded companies** and their subsidiaries.
3. Brands that exclusively message **current or former customers** and have operated under the same business name for two years. "Customer" means someone who as actually purchased from your brand. This exemption does not apply to brands that use SMS to message potential, future customers.
4. Certain **Financial Institutions**
5. **Educational Institutions**
6. **501(c)(3) Nonprofit Organizations**
7. **Brick-and-mortar retail sellers** that have operated under the same name for at least two years, and conduct the majority of their sales at physical retail locations

## Do I qualify for the food exemption if I sell...

- Supplements → 🚫 Sadly no
- Bars, beverages, candy, chocolate, gummies that contain supplements → 🚫 Sadly no
- Alcohol → 🚫 Sadly no
- Dog, Cat or other Pet Food → 🚫 Sadly no
- Food or beverage AND I **prominently** sell drinkware, flatware or other physical products that complement my food or beverage products → 🚫 Sadly no based on our research. Consult with an attorney to see if you have options.
- "Functional" food or beverages that don't contain supplements but contain probiotics or other health claims / positioning → 🤔 UNCLEAR, this is a gray area – contact an attorney
- *Mostly* food but I have a very small merchandise section on my store → 🤔 MAYBE, this is a gray area – contact an attorney
- Exclusively food for human consumption → 🤔 Probably YES but check with your attorney
- Exclusively coffee beans for human consumption → 🤔 Probably YES but check with your attorney
- Exclusively beverages for human consumption → 🤔 Probably YES but check with your attorney

## What happens if I'm exempt?

Check with your attorney on how to best document your exemption. If you qualify for an exemption you will not need to register or provide a deposit.

## What to do if you're not compliant

Frustratingly, it's very easy to be out of compliance. Even if you do everything right and submit your registration form, as of September 1, 2025, you still are NOT compliant until Texas officially approves your registration which might take weeks. Before registration and during limbo, brands are liable if someone sues and professional litigators will be hunting for targets.

This leaves brands with three choices:

1. Pause texting altogether, potentially eliminating your top revenue channel
2. Text while out of compliance
3. Exclude presumed Texas residents, still drastic, and not foolproof

### Exclude presumed Texas Residents

At first glance, this seems like a good compromise. At OneText, we've added a one-click toggle to [block sends to all presumed Texas subscribers](#). But this approach is not fool proof. We detect location using Zip Code, IP Address or Shipping Address. Most brands will also have undetectable Texas residents on their existing lists. We want to give brands as much control as possible.

The screenshot shows a 'You're in control' section with the following content:

Choose the quiet hour option right for your business and preferences:

- Smart Quiet Hours**  
Apply quiet hours based on the shopper's presumed state and timezone. Allow exceptions for automations that fire shortly after a shopper action
- Extremely Conservative Quiet Hours**  
Only text during Universal Quiet Hours - between 12pm and 8pm Eastern. No exemptions for automations tied to a shopper action

**Control messaging to presumed Texas residents**

You may choose to exclude "Presumed Texas Subscribers" detected by Area Code, IP Address or Shipping Address in light of Texas SB-140.  
[See our guide to Texas SB-140](#). TLDR: we recommend that every non-exempt brand registers with Texas ASAP.

Exclude presumed Texas residents from all texts

**Please Note:** Texas-resident detection is NOT fool proof. In all likelihood, you have undetectable Texas residents on your subscriber list that we are not able to exclude.  
Professional litigators who live in Texas may use non Texas phone numbers and VPNs to subscribe and receive your messages.

Screenshot of OneText's Compliance Control Panel

## FAQs

### Do I need to comply if I'm not based in Texas?

Yes. The law applies to any brand that texts Texas residents. About 10% of the US Population lives in Texas. If you have as few as 50 SMS subscribers, there's a >99% chance you have Texas residents on your list.

### Can I simply exclude Texas Residents?

Brands using OneText can use a one-click toggle to [block sends to all presumed Texas subscribers](#).

But please note, there's no foolproof way to know whether or not a subscriber is a Texas resident. Area codes, IP Address

tracking, or historical addresses on file are not sufficient to detect and block all Texas-based subscribers, especially those who move to Texas after subscribing. We see compliance with the law as the only long-term path forward.

### **This registration feels unfair. If I can't exclude Texans, should I just stop texting?**

The law is unfair! We hate it and hope Texas changes it. That said, we see compliance as achievable for all brands. The registration itself will take about 2 hours to complete. It will be two unpleasant hours, but you can get through it. We did it! We believe you can too and we're here to support you. Texas represents about 10% of the US population. Excluding Texas residents is effectively not viable. We're biased, but we encourage you to work through registration and keep texting. Many brands report that OneText is their top revenue channel. We'd hate to see brands lose out over two hours of work and \$300/year of fees (\$200 for the registration and \$100 for the bond).

### **What happens if I do not comply?**

If a business fails to register as an SMS sender, post the required \$10,000 bond or equivalent, or violates other SB-140 rules like sending out-of-hours messages or ignoring opt-out requests, it faces serious financial risk. Customers could file lawsuits directly under the DTPA, recover statutory and treble damages, obtain attorney costs and emotional distress awards—and even sue multiple times for repeat violations. Non-compliance isn't just costly—it could become a full-blown legal liability.

Our **strong recommendation** is that all brands register immediately. The paperwork is onerous, but helps mitigate risk. The total annual cost for registration and a bond is \$300.

### **I've submitted my registration. Am I compliant?**

Unfortunately, brands are not compliant until the Texas Secretary of State approves your registration.

### **How long will it take for Texas to approve my registration?**

Approval may take several weeks.

### **Do I have to wait for approval?**

Yes, Texas is supposed to get back to you with an official approval. Unfortunately, they're likely overwhelmed with applications (who could have seen this happening?). Given the circumstances, we'd hope that the risk of continuing to send pre-approval is minimal and that the fact that you've done everything you can would help you in disputes, but we are not attorneys, and cannot provide legal counsel.

### **Do I need to pay \$10,000?**

No. Texas requires a deposit but the funds remain under your control, albeit pledged to Texas. For most brands, we suggest a Surety Bond which entails a small annual fee, but allows you to avoid sequestering funds.

### **\$10,000 is a lot. Do I need to be worried about compliance violations?**

If you're following OneText best practices, submit registration and receive approval, we do not anticipate compliance violations. Unfortunately, the law requires the \$10,000 deposit "just in case".

### **Does the law change the type of texts allowed?**

No. The Texas law effectively reiterates standing and national texting rules, such as the need for clear and explicit opt in and standard quiet hours. The law increases penalties for violations, but a previously compliant program will be compliant under the new law, once you register and handle the deposit.

### **What do I need to do to register?**

Please start working on the [Texas registration](#), it will take some time. As you do so, contact us regarding a fast process for a \$100/year Surety Bond that fulfills the \$10,000 deposit requirement and does NOT require you to sequester funds.

You will need a notary to submit your form. We recommend [notarize.com](#).

### **We operate multiple brands owned by a single entity. Do I need to register each consumer-facing brand or can I do a single registration for the parent company?**

This is a tricky one and will depend on your corporate structure. We recommend checking with an attorney. From what we've heard, if you can classify the parent company as the only "seller" and list the consumer-facing brands as Doing Business As (DBA) names, you may be able to do a single registration.

To accommodate a single registration for multiple brands:

- For Question #1: List the parent company as the "Seller's name"
- For Question #2: List each consumer-facing brand / Doing Business As (DBA) name
- For Question #6: List the parent and each consumer-facing brand again and a description of the corporate structure linking them together
- For Question #7: List the addresses and type of business for each entity

If you elect to register each consumer-facing brand, we assume that you would NOT need an additional registration for the parent company, unless the parent company is itself a consumer-facing brand.

For example, if Acme Inc. owns the consumer brands BeautyCo and ClothingCo, we assume you will do one of the following:

1. A single registration for Acme inc, listing BeautyCo and ClothingCo as Doing Business As (DBA) names
2. Separate registrations for BeautyCo and ClothingCo but NO registration for Acme Inc.

### **Define Surety Bond, Letter of Credit and Certificate of Deposit**

- **Surety Bond:** A 3rd party service posts the \$10,000 deposit on your behalf and charges you an annual fee. We're working with [SuretyBonds.com](https://www.suretybonds.com) to get you fast approval.
- **Letter of Credit:** A credit instrument where a Texas-authorized bank vouches that you can afford the \$10,000 if compelled.
- **Certificate of Deposit:** Sequestered funds reserved for compliance violations.

#### **What if I use multiple texting providers?**

If you're using OneText alongside another texting provider, you only need to register once and submit one deposit. We're happy to assist any brand in our network with the registration and bond process.

#### **I know a brand that's not using OneText (yet) that needs help with registration and bonding.**

Introduce us by email ([sales@onetext.com](mailto:sales@onetext.com)) or Slack. We'll help them register and secure a bond. And if they sign up for any OneText services in the process, we'll send you a reward.

#### **What else can I do?**

Please [sign and circulate the petition](#). We want to make as much noise as possible.

**Disclaimer:** We are not attorneys and cannot provide legal advice. We are sharing our understanding of the new law and industry best practices, but for any legal questions or concerns, we recommend consulting with your legal counsel..