

By: Sherman, Sr.

H.B. No. 949

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic filing with and the recording by county
3 clerks of records conveying or purporting to convey title to or an
4 interest in real property.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 191.009(a), Local Government Code, is
7 amended to read as follows:

8 (a) A county clerk may accept electronic documents and other
9 instruments by electronic filing and record the electronic
10 documents and other instruments electronically if:

11 (1) the electronic documents or instruments do not
12 convey or purport to convey title to or an interest in real
13 property; and

14 (2) the filing or recording complies with the rules
15 adopted by the Texas State Library and Archives Commission under
16 Chapter 195.

17 SECTION 2. Section 195.002(b), Local Government Code, is
18 amended to read as follows:

19 (b) The rules must provide for:

20 (1) the electronic filing with and recording by the
21 county clerk of:

22 (A) real property records, other than records
23 conveying or purporting to convey title to or an interest in real
24 property; and

1 (B) except for records maintained under Section
2 192.006, other instruments filed with and recorded by the county
3 clerk as determined by the commission;

4 (2) the means by which an electronic document or other
5 instrument may be electronically transmitted to a county clerk for
6 filing;

7 (3) the means by which a county clerk may
8 electronically record an electronic document or other instrument
9 filed electronically;

10 (4) requiring that the means adopted under Subdivision
11 (2) or (3) be generally available, nonproprietary technology; and

12 (5) security standards to prevent the filing and
13 recording of fraudulent electronic documents or other instruments
14 or alteration of electronic documents or other instruments that
15 were previously filed and recorded electronically.

16 SECTION 3. Chapter 15, Property Code, is amended by adding
17 Section 15.0025 to read as follows:

18 Sec. 15.0025. APPLICABILITY. This chapter does not apply
19 to a document that conveys or purports to convey title to or an
20 interest in real property.

21 SECTION 4. (a) Section 191.009(a), Local Government Code,
22 as amended by this Act, and Section 15.0025, Property Code, as added
23 by this Act, apply only to a document filed for recording on or
24 after January 1, 2022.

25 (b) Not later than November 1, 2021, the Texas State Library
26 and Archives Commission shall adopt rules necessary to implement
27 Section 195.002(b), Local Government Code, as amended by this Act,

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1 and Section 15.0025, Property Code, as added by this Act.

2 SECTION 5. This Act takes effect September 1, 2021.