

BILL ANALYSIS

S.B. 1559
By: Madla
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not specify what kinds of information filed in the real property records in a county clerk's office can be removed from the instrument prior to filing. S.B. 1559 provides for the eventual elimination of certain personal information from the public record in certain documents, and requires instruments to carry a notice informing a person filing the instrument that the person may strike certain information from the instrument prior to its filing in the public record.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 11, Property Code, by adding Section 11.008, as follows:

Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY RECORDS. (a) Defines "instrument."

(b) Prohibits a certain instrument transferring an interest in real property to or from an individual from being recorded unless a certain notice appears on the first page of the instrument that notifies the person filing the instrument that it is permissible to strike certain information from the instrument before it is filed in the public records.

(c) Provides that the validity of an instrument as between the parties to the instrument and the notice provided by the instrument are not affected by a party's failure to include the notice required under Subsection (b).

(d) Prohibits the county clerk from rejecting an instrument presented for recording because the instrument contains or fails to contain a social security number or driver's license number. Provides that if a county clerk accepts an instrument for recording, the recording of the instrument creates a conclusive presumption that the requirements of this section have been met.

(e) Requires the county clerk to post a notice in the county clerk's office stating that instruments recorded in the real property or official public records or the equivalent of the real property or official public records of the county and executed on or after January 1, 2004, are not required to contain a social security number or driver license number, and are public records available for review by the public.

(f) Provides that all instruments recorded under this section are subject to inspection by the public.

(g) Provides that, unless this section is cited in a law enacted after September 1, 2003, this

section is the exclusive law governing the confidentiality of personal information contained in the real property or official public records or the equivalent of the real property or official public records of a county.

(h) Provides that, to the extent that federal law conflicts with this section, an instrument must contain the information required by and must be filed in a manner that complies with federal law.

SECTION 2. Amends section 13.002, Property Code, to make a conforming change.

SECTION 3. Effective date: September 1, 2003.

Makes application of this Act prospective to January 1, 2004.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.