

## BILL ANALYSIS

Senate Research Center

S.B. 1559  
By: Madla  
Intergovernmental Relations  
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As Filed

### DIGEST 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. As proposed, 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION 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) Prohibits a certain instrument transferring an interest in real property from or to a natural person from being filed for record 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.

(b) Provides that the validity of a conveyance or other instrument as between the parties and the notice imparted by the instrument are not affected by a failure to include the notice in compliance with this section on the first page of the instrument.

(c) Provides that acceptance of the instrument by the county clerk for filing and recording creates a conclusive presumption that the requirements of this section have been met.

(d) Prohibits this section from applying to any instrument to the extent that federal law provides otherwise.

(e) Requires the county clerk to post a notice in the county clerk's office stating that instruments filed in the real property records and executed after December 31, 2003, may not contain a social security number or driver license (sic), and that instruments filed for record in the real property records are public records available for review by the public.

(f) Provides that these provisions shall be the sole provisions relating to confidentiality of the real property records, unless this section is expressly mentioned in laws enacted after the effective date hereof. Requires all real property records and the information therein to be available for review by the public or any person.

(g) Provides that an instrument is a deed, mortgage, or deed or trust for the purposes of this section.

SECTION 2. Effective date: September 1, 2003.