

AN ACT

relating to the public sale of certain real property; providing penalties.

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

SECTION 1. Subchapter C, Chapter 34, Civil Practice and Remedies Code, is amended by adding Section 34.0445 to read as follows:

Sec. 34.0445. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

(a) An officer conducting a sale of real property under this subchapter may not execute or deliver a deed to the purchaser of the property unless the purchaser exhibits to the officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that:

(1) there are no delinquent ad valorem taxes owed by the person to that county; and

(2) for each school district or municipality having territory in the county there are no known or reported delinquent ad valorem taxes owed by the person to that school district or municipality.

(b) An individual may not bid on or purchase the property in the name of any other individual. An officer conducting a sale under this subchapter may not execute a deed in the name of or

1 deliver a deed to any person other than the person who was the
2 successful bidder.

3 (c) The deed executed by the officer conducting the sale
4 must name the successful bidder as the grantee and recite that the
5 successful bidder exhibited to that officer an unexpired written
6 statement issued to the person in the manner prescribed by Section
7 34.015, Tax Code, showing that the county assessor-collector of the
8 county in which the sale was conducted determined that:

9 (1) there are no delinquent ad valorem taxes owed by
10 the person to that county; and

11 (2) for each school district or municipality having
12 territory in the county there are no known or reported delinquent ad
13 valorem taxes owed by the person to that school district or
14 municipality.

15 (d) If a deed contains the recital required by Subsection
16 (c), it is conclusively presumed that this section was complied
17 with.

18 (e) A person who knowingly violates this section commits an
19 offense. An offense under this subsection is a Class B misdemeanor.

20 (f) To the extent of a conflict between this section and any
21 other law, this section controls.

22 SECTION 2. Subchapter A, Chapter 34, Tax Code, is amended by
23 adding Section 34.015 to read as follows:

24 Sec. 34.015. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

25 (a) In this section, "person" does not include a taxing unit or an
26 individual acting on behalf of a taxing unit.

27 (b) An officer conducting a sale of real property under

1 Section 34.01 may not execute a deed in the name of or deliver a deed
2 to any person other than the person who was the successful bidder.
3 The officer may not execute or deliver a deed to the purchaser of
4 the property unless the purchaser exhibits to the officer an
5 unexpired written statement issued under this section to the person
6 by the county assessor-collector of the county in which the sale is
7 conducted showing that:

8 (1) there are no delinquent taxes owed by the person to
9 that county; and

10 (2) for each school district or municipality having
11 territory in the county there are no known or reported delinquent ad
12 valorem taxes owed by the person to that school district or
13 municipality.

14 (c) On the written request of any person, a county
15 assessor-collector shall issue a written statement stating whether
16 there are any delinquent taxes owed by the person to that county or
17 to a school district or municipality having territory in that
18 county. A request for the issuance of a statement by the county
19 assessor-collector under this subsection must:

20 (1) sufficiently identify any property subject to
21 taxation by the county or by a school district or municipality
22 having territory in the county, regardless of whether the property
23 is located in the county, that the person owns or formerly owned so
24 that the county assessor-collector and the collector for each
25 school district or municipality having territory in the county may
26 determine whether the property is included on a current or a
27 cumulative delinquent tax roll for the county, the school district,

1 or the municipality under Section 33.03;

2 (2) specify the address to which the county
3 assessor-collector should send the statement;

4 (3) include any additional information reasonably
5 required by the county assessor-collector; and

6 (4) be sworn to and signed by the person requesting the
7 statement.

8 (d) On receipt of a request under Subsection (c), the county
9 assessor-collector shall send to the collector for each school
10 district and municipality having territory in the county, other
11 than a school district or municipality for which the county
12 assessor-collector is the collector, a request for information as
13 to whether there are any delinquent taxes owed by the person to that
14 school district or municipality. The county assessor-collector
15 shall specify the date by which the collector must respond to the
16 request.

17 (e) If the county assessor-collector determines that there
18 are delinquent taxes owed to the county, the county
19 assessor-collector shall include in the statement issued under
20 Subsection (c) the amount of delinquent taxes owed by the person to
21 that county. If the county assessor-collector is the collector for
22 a school district or municipality having territory in the county
23 and the county assessor-collector determines that there are
24 delinquent ad valorem taxes owed by the person to the school
25 district or municipality, the assessor-collector shall include in
26 the statement issued under Subsection (c) the amount of delinquent
27 taxes owed by the person to that school district or municipality.

1 (f) If the county assessor-collector receives a response
2 from the collector for a school district or municipality having
3 territory in the county indicating that there are delinquent taxes
4 owed to that school district or municipality on the person's
5 current or former property for which the person is personally
6 liable, the county assessor-collector shall include in the
7 statement issued under Subsection (c):

8 (1) the amount of delinquent taxes owed by the person
9 to that school district or municipality; and

10 (2) the name and address of the collector for that
11 school district or municipality.

12 (g) If the county assessor-collector determines that there
13 are no delinquent taxes owed by the person to the county or to a
14 school district or municipality for which the county
15 assessor-collector is the collector, the county assessor-collector
16 shall indicate in the statement issued under Subsection (c) that
17 there are no delinquent ad valorem taxes owed by the person to the
18 county or to the school district or municipality.

19 (h) If the county assessor-collector receives a response
20 from the collector for any school district or municipality having
21 territory in that county indicating that there are no delinquent ad
22 valorem taxes owed by the person to that school district or
23 municipality, the county assessor-collector shall indicate in the
24 statement issued under Subsection (c) that there are no delinquent
25 ad valorem taxes owed by the person to that school district or
26 municipality.

27 (i) If the county assessor-collector does not receive a

1 response from the collector for any school district or municipality
2 to whom the county assessor-collector sent a request under
3 Subsection (d) as to whether there are delinquent taxes on the
4 person's current or former property owed by the person to that
5 school district or municipality, the county assessor-collector
6 shall indicate in the statement issued under Subsection (c) that
7 there are no reported delinquent taxes owed by the person to that
8 school district or municipality.

9 (j) To cover the costs associated with the issuance of
10 statements under Subsection (c), a county assessor-collector may
11 charge the person requesting a statement a fee not to exceed \$10 for
12 each statement requested.

13 (k) A statement under Subsection (c) must be issued in the
14 name of the requestor, bear the requestor's name, include the dates
15 of issuance and expiration, and be eligible for recording under
16 Section 12.001(b), Property Code. A statement expires on the 90th
17 day after the date of issuance.

18 (l) The deed executed by the officer conducting the sale
19 must name the successful bidder as the grantee and recite that the
20 successful bidder exhibited to that officer an unexpired written
21 statement issued to the person in the manner prescribed by this
22 section, showing that the county assessor-collector of the county
23 in which the sale was conducted determined that:

24 (1) there are no delinquent ad valorem taxes owed by
25 the person to that county; and

26 (2) for each school district or municipality having
27 territory in the county there are no known or reported delinquent ad

1 valorem taxes owed by the person to that school district or
2 municipality.

3 (m) If a deed contains the recital required by Subsection
4 (1), it is conclusively presumed that this section was complied
5 with.

6 (n) A person who knowingly violates this section commits an
7 offense. An offense under this subsection is a Class B misdemeanor.

8 (o) To the extent of a conflict between this section and any
9 other law, this section controls.

10 SECTION 3. This Act takes effect September 1, 2003. The
11 change in law made by this Act applies only to a public sale of real
12 property conducted on or after October 1, 2003. A public sale of
13 real property conducted before October 1, 2003, is governed by the
14 law in effect on the date the sale was conducted, and the former law
15 is continued in effect for that purpose.

President of the Senate

Speaker of the House

I certify that H.B. No. 335 was passed by the House on April 24, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 335 on May 28, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 335 on June 1, 2003, by a non-record vote.

Chief Clerk of the House

H.B. No. 335

I certify that H.B. No. 335 was passed by the Senate, with amendments, on May 26, 2003, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 335 on June 1, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor