

By: Hamric

H.B. No. 335

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of persons to participate in 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 BID ON OR PURCHASE REAL PROPERTY. (a) To be eligible to bid on real property at a sale under this subchapter, a person must, before the sale begins, exhibit to the officer conducting the sale a 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 there are no delinquent ad valorem taxes owed by the person to that county.

(b) A person may not bid on or purchase the property in the name of any other person.

(c) An officer conducting a sale of real property under this subchapter may not accept a bid on the property from or execute a deed to the property to a person who, before the sale begins, does not exhibit to the officer a 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 there are no delinquent ad valorem

1 taxes owed by the person to that county.

2 (d) A sale conducted or deed executed in violation of this  
3 section is void.

4 (e) A person commits an offense if the person makes or  
5 submits a bid on real property at a sale conducted under this  
6 subchapter and the person does not possess a written statement  
7 described by Subsection (a) showing that the person does not owe  
8 delinquent ad valorem taxes to the county in which the sale is  
9 conducted. An offense under this subsection is a Class B  
10 misdemeanor.

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

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

15 Sec. 34.015. PERSONS ELIGIBLE TO BID ON OR PURCHASE REAL  
16 PROPERTY. (a) In this section, "person" does not include a taxing  
17 unit or an individual acting on behalf of a taxing unit.

18 (b) To be eligible to bid on real property at a tax sale, a  
19 person must, before the sale begins, exhibit to the officer  
20 conducting the sale a written statement issued to the person by the  
21 county assessor-collector of the county in which the sale is  
22 conducted showing that the county assessor-collector has  
23 determined that there are no delinquent ad valorem taxes owed by the  
24 person to that county.

25 (c) On the written request of any person, a county  
26 assessor-collector shall issue a written statement stating whether  
27 there are any delinquent ad valorem taxes owed by the person to that

1 county. A request for the issuance of a statement by the county  
2 assessor-collector under this subsection must:

3 (1) sufficiently identify any property in the county  
4 that the person owns or formerly owned so that the county  
5 assessor-collector may determine whether the property is included  
6 on a current or a cumulative delinquent tax roll for that county  
7 under Section 33.03;

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

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

12 (4) be sworn to and signed by the person requesting the  
13 statement.

14 (d) Not later than the fifth business day after the date the  
15 county assessor-collector receives a request for a statement under  
16 Subsection (c), the county assessor-collector shall issue the  
17 statement.

18 (e) If there are delinquent taxes owed to the county on the  
19 person's current or former property for which the person is  
20 personally liable, the county assessor-collector shall include in  
21 the statement issued under Subsection (c) the amount of delinquent  
22 taxes owed to the county.

23 (f) A county assessor-collector may charge the person  
24 requesting a statement a fee not to exceed \$10 for each statement  
25 requested.

26 (g) A statement under Subsection (c) must be issued in the  
27 name of the requestor, bear the requestor's name, and include the

1 dates of issuance and expiration. A statement expires on the 90th  
2 day after the date of issuance.

3 (h) A person may not bid on or purchase the property in the  
4 name of any other person.

5 (i) An officer conducting a tax sale of real property under  
6 Section 34.01 may not accept a bid on the property from or execute a  
7 deed to the property to a person who, before the sale begins, does  
8 not exhibit to the officer a statement issued to the person under  
9 Subsection (c) showing that the county assessor-collector for the  
10 county in which the sale is conducted has determined that there are  
11 no delinquent ad valorem taxes owed by the person to that county.

12 (j) A sale conducted or deed executed in violation of this  
13 section is void.

14 (k) A person commits an offense if the person makes or  
15 submits a bid on real property at a sale conducted under this  
16 subchapter and the person does not possess a written statement  
17 described by Subsection (b) showing that the person does not owe  
18 delinquent taxes to the county in which a sale is conducted. An  
19 offense under this subsection is a Class B misdemeanor.

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

22 SECTION 3. (a) This Act takes effect September 1, 2003.

23 (b) Section 34.0445, Civil Practice and Remedies Code, and  
24 Section 34.015, Tax Code, as added by this Act, apply only to a  
25 public sale of real property conducted on or after September 1,  
26 2003.

27 (c) A public sale of real property conducted before

1 September 1, 2003, is governed by the law in effect on the date the  
2 sale was conducted, and the former law is continued in effect for  
3 that purpose.