

By: Davis of Dallas

H.B. No. 1779

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring disclosure of the sales price of real
3 property to an appraisal district and the comptroller of public
4 accounts; providing penalties.

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

6 SECTION 1. The heading to Subchapter C, Chapter 22, Tax
7 Code, is amended to read as follows:

8 SUBCHAPTER C. [~~OTHER~~] REPORTS OF POLITICAL SUBDIVISION ACTIONS

9 SECTION 2. Chapter 22, Tax Code, is amended by adding
10 Subchapter D to read as follows:

11 SUBCHAPTER D. REPORT OF SALES PRICE

12 Sec. 22.61. SALES PRICE DISCLOSURE REPORT REQUIRED. (a)
13 Not later than the 10th day after the date of closing on the sale of
14 real property, the seller shall file a report as provided by this
15 subchapter disclosing the sales price of the property.

16 (b) A person who fails to file a report as required by this
17 subchapter is liable to the state for a civil penalty in an amount
18 not to exceed \$1,000 for each violation. The attorney general or
19 the county attorney for the county in which the property is located
20 may bring suit to recover the penalty.

21 (c) If there are two or more sellers, each seller is
22 responsible for filing the report until at least one seller files a
23 report, and each seller is separately liable for a civil penalty if
24 a report for the sale is not filed as required by this subchapter.

1 Sec. 22.62. PLACE OF FILING. A sales price disclosure
2 report required by this subchapter must be filed with the chief
3 appraiser of the appraisal district established for the county in
4 which the property covered by the report is located.

5 Sec. 22.63. SIGNATURE REQUIRED. A sales price disclosure
6 form must be signed by the person who is required to file the
7 report.

8 Sec. 22.64. REPORT FORMS. (a) The comptroller shall
9 prescribe the form and content of a report filed under this
10 subchapter. The comptroller may prescribe or approve different
11 sales price disclosure forms for different kinds of property and
12 shall ensure that each form requires the person filing the report to
13 provide the sales price and information necessary to identify the
14 property and to determine its ownership and taxable situs. A form
15 may not require a person to furnish information not relevant to the
16 appraisal of property for tax purposes or to the assessment or
17 collection of property taxes.

18 (b) A person required to file a sales price disclosure
19 report under this subchapter must use the appropriate form
20 prescribed or approved by the comptroller or a substantially
21 similar form.

22 (c) A person filing a sales price disclosure report must
23 include all information required by the form.

24 Sec. 22.65. PUBLICIZING REQUIREMENTS. (a) The comptroller
25 shall publicize, in a manner reasonably designed to come to the
26 attention of property owners, the requirements of this subchapter
27 and of the availability of sales price disclosure report forms.

1 (b) A chief appraiser shall assist the comptroller in
2 publicizing the information required by Subsection (a) to property
3 owners in the county for which the appraisal district is
4 established.

5 Sec. 22.66. PROVISION OF INFORMATION TO COMPTROLLER. An
6 appraisal district shall provide information from sales price
7 disclosure reports to the comptroller in the manner and at the time
8 required by the comptroller.

9 Sec. 22.67. CONFIDENTIAL INFORMATION. (a) A sales price
10 disclosure report filed with a chief appraiser under this
11 subchapter is confidential and not open to public inspection.
12 Except as authorized by Subsection (b), the sales price disclosure
13 report and the information it contains about specific property or a
14 specific owner may not be disclosed to anyone other than:

15 (1) an employee of the appraisal office who appraises
16 property; or

17 (2) an employee of the comptroller whose duties
18 pertain to state administration of the property tax system.

19 (b) Information made confidential by this section may be
20 disclosed:

21 (1) in a judicial or administrative proceeding
22 pursuant to a lawful subpoena;

23 (2) to the person who filed the report or to the
24 person's representative authorized in writing to receive the
25 information;

26 (3) in a judicial or administrative proceeding
27 relating to property taxation to which the owner of the property to

1 which a report pertains is a party;

2 (4) for statistical purposes if in a form that does not
3 identify specific property or a specific property owner; or

4 (5) if and to the extent the information is required to
5 be included in a public document or record that the appraisal office
6 is required by law to prepare or maintain.

7 (c) Except as permitted by Subsection (b), a person who
8 knowingly discloses a sales price disclosure report or confidential
9 information contained in the report commits an offense. An offense
10 under this subsection is a Class B misdemeanor.

11 SECTION 3. (a) Except as provided by Subsection (b), this
12 Act takes effect September 1, 2003.

13 (b) Sections 1 and 2 of this Act take effect January 1, 2004.

14 (c) As soon as practicable after the effective date of this
15 Act, but not later than January 1, 2004, the comptroller shall:

16 (1) prescribe or approve sales price disclosure report
17 forms as provided by Section 22.64, Tax Code, as added by this Act;
18 and

19 (2) begin to publicize the requirements of Subchapter
20 D, Chapter 22, Tax Code, as required by Section 22.65, Tax Code, as
21 added by this Act.

22 (d) This Act applies only to a sale of real property that
23 occurs on or after January 1, 2004.