

By: Lewis

H.B. No. 2930

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain personal information in real property records filed with the county clerk.

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

SECTION 1. Chapter 11, Property Code, is amended by adding Section 11.008 to read as follows:

Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY RECORDS. (a) An instrument executed after December 31, 2003, transferring an interest in real property from or to a natural person may not be filed for record unless a notice appears on the first page of the instrument in 10-point boldface type or 10-point uppercase letters and that reads substantially similar to the following:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER, YOUR DRIVER LICENSE NUMBER, YOUR LOAN ACCOUNT NUMBER, YOUR HOME ADDRESS, OR THE NAME OF ANY MEMBER OF YOUR FAMILY WHO IS NOT A PARTY TO OR BENEFICIARY OF THIS INSTRUMENT.

(b) 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 this instrument.

(c) Acceptance of the instrument by the county clerk for

1 filing and recording creates a conclusive presumption that the  
2 requirements of this section have been met.

3 (d) This section shall not apply to any instrument to the  
4 extent federal law provides otherwise.

5 (e) The county clerk shall post a notice in the county  
6 clerk's office stating that instruments filed in the real property  
7 records and executed after December 31, 2003 may not contain a  
8 social security number or driver license, and that instruments  
9 filed for record in the real property records are public records  
10 available for review by members of the public. The county clerk may  
11 reject for filing any such instrument prior to the acceptance of the  
12 instrument at the office for filing.

13 (f) Unless this section is expressly mentioned in laws  
14 enacted after the effective date hereof, these provisions shall be  
15 the sole provisions relating to confidentiality of the real  
16 property records, and all real property records shall be available  
17 for review by the public or any person.

18 (g) For purposes of this section, an instrument is a deed,  
19 mortgage or deed of trust, and a home address is a specific  
20 identification of a home location by name of street and applicable  
21 digits, but does not include any legal description or adjoinder  
22 calls of the land.

23 SECTION 2. This Act takes effect immediately if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for immediate  
27 effect, this Act takes effect September 1, 2003.