

1-1 By: Lewis (Senate Sponsor - Madla) H.B. No. 2930
1-2 (In the Senate - Received from the House May 19, 2003;
1-3 May 20, 2003, read first time and referred to Committee on
1-4 Administration; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the confidentiality of and access to certain personal
1-9 information contained in instruments recorded with a county clerk.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 11, Property Code, is amended by adding
1-12 Section 11.008 to read as follows:

1-13 Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY
1-14 RECORDS. (a) In this section, "instrument" means a deed, mortgage,
1-15 or deed of trust.

1-16 (b) An instrument executed on or after January 1, 2004,
1-17 transferring an interest in real property to or from an individual
1-18 may not be recorded unless a notice appears on the first page of the
1-19 instrument in 12-point boldfaced type or 12-point uppercase letters
1-20 and reads substantially as follows:

1-21 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL
1-22 PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING
1-23 INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED
1-24 FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY
1-25 NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

1-26 (c) The validity of an instrument as between the parties to
1-27 the instrument and the notice provided by the instrument are not
1-28 affected by a party's failure to include the notice required under
1-29 Subsection (b).

1-30 (d) The county clerk may not reject an instrument presented
1-31 for recording because the instrument contains or fails to contain a
1-32 social security number or driver's license number. If the county
1-33 clerk accepts an instrument for recording, the recording of the
1-34 instrument creates a conclusive presumption that the requirements
1-35 of this section have been met.

1-36 (e) The county clerk shall post a notice in the county
1-37 clerk's office stating that instruments recorded in the real
1-38 property or official public records or the equivalent of the real
1-39 property or official public records of the county and executed on or
1-40 after January 1, 2004:

1-41 (1) are not required to contain a social security
1-42 number or driver's license number; and

1-43 (2) are public records available for review by the
1-44 public.

1-45 (f) All instruments recorded under this section are subject
1-46 to inspection by the public.

1-47 (g) Unless this section is cited in a law enacted after
1-48 September 1, 2003, this section is the exclusive law governing the
1-49 confidentiality of personal information contained in the real
1-50 property or official public records or the equivalent of the real
1-51 property or official public records of a county.

1-52 (h) To the extent that federal law conflicts with this
1-53 section, an instrument must contain the information required by and
1-54 must be filed in a manner that complies with federal law.

1-55 SECTION 2. Section 13.002, Property Code, is amended to
1-56 read as follows:

1-57 Sec. 13.002. EFFECT OF RECORDED INSTRUMENT. An instrument
1-58 that is properly recorded in the proper county is:

1-59 (1) notice to all persons of the existence of the
1-60 instrument; and

1-61 (2) subject to inspection by the public.

1-62 SECTION 3. This Act takes effect September 1, 2003, and
1-63 applies only to a deed, mortgage, or deed of trust executed on or
1-64 after January 1, 2004.

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