

By: Hill

H.B. No. 3183

A BILL TO BE ENTITLED

AN ACT

relating to requiring disclosure of the sale price of real property to an appraisal district; providing a penalty.

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

SECTION 1. Section 12.001, Property Code, is amended by adding Subsection (e) to read as follows:

(e) On the sale of residential real property that consists of not more than two separate dwelling units, a sales price disclosure report under Subchapter D, Chapter 22, Tax Code, must be filed with the instrument of conveyance if the instrument of conveyance is recorded under Subsection (a).

SECTION 2. The heading to Subchapter C, Chapter 22, Tax Code, is amended to read as follows:

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

SECTION 3. Chapter 22, Tax Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORT OF SALES PRICE

Sec. 22.61. SALES PRICE DISCLOSURE REPORT. The purchaser of residential real property that consists of not more than two separate dwelling units or a person acting on behalf of the purchaser may file a sales price disclosure report with the county clerk of the county in which the property is located.

Sec. 22.62. SIGNATURE REQUIRED. A sales price disclosure form must be signed by the purchaser or by the person who files the

1 report.

2 Sec. 22.63. REPORT FORMS. (a) The comptroller shall
3 prescribe the form and content of a report filed under this
4 subchapter. The comptroller shall ensure that each form requires
5 the person filing the report to provide:

6 (1) the seller's name and address;

7 (2) the purchaser's name and address;

8 (3) information necessary to identify the property and
9 to determine the property's location;

10 (4) the purchase price of the property; and

11 (5) the name and address of the person preparing the
12 report.

13 (b) A form may not require information not relevant to the
14 appraisal of property for tax purposes or to the assessment or
15 collection of property taxes.

16 (c) A person who files a sales price disclosure report under
17 this subchapter must:

18 (1) use the appropriate form prescribed by the
19 comptroller; and

20 (2) include all information required by the form.

21 Sec. 22.64. DELIVERY TO APPRAISAL DISTRICT. (a) In each
22 calendar month the county clerk shall deliver to the chief
23 appraiser of the appraisal district established for the county any
24 sales price disclosure reports filed under Section 12.001(e),
25 Property Code, in the county during the preceding calendar month.

26 (b) The county clerk shall deliver the reports to the chief
27 appraiser by any reasonable method of delivery agreed to by the

1 chief appraiser and the county clerk.

2 Sec. 22.65. DELIVERY FEE. In addition to each fee required
3 by Section 118.011, Local Government Code, the county clerk may
4 require an additional fee in an amount not to exceed \$3 to be paid at
5 the time the report is filed to cover reasonable delivery expenses
6 incurred under Section 22.64.

7 Sec. 22.66. PUBLICIZING REQUIREMENTS. (a) The comptroller
8 shall publicize, in a manner reasonably designed to come to the
9 attention of title companies, attorneys, and property owners, the
10 requirements of this subchapter and of the availability of sales
11 price disclosure report forms.

12 (b) The Texas Real Estate Commission shall assist the
13 comptroller in publicizing the information required by Subsection
14 (a) to title companies and attorneys.

15 (c) A chief appraiser shall assist the comptroller in
16 publicizing the information required by Subsection (a) to property
17 owners in the county for which the appraisal district is
18 established.

19 Sec. 22.67. CONFIDENTIAL INFORMATION. (a) A sales price
20 disclosure report delivered to a chief appraiser under this
21 subchapter is confidential and not open to public inspection. The
22 report and the information it contains about specific property or a
23 specific person may not be disclosed to anyone other than an
24 employee of the appraisal office who appraises property except as
25 provided by Subsection (b).

26 (b) Information that is confidential under Subsection (a)
27 may be disclosed in a judicial or administrative proceeding:

1 (1) pursuant to a lawful subpoena; or

2 (2) relating to property taxation for the sole purpose
3 of providing evidence of the comparable sales used to appraise
4 property.

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

9 SECTION 4. (a) Except as provided by Subsection (b), this
10 Act takes effect September 1, 2003.

11 (b) Sections 1, 2, and 3 of this Act take effect January 1,
12 2004.

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

15 (1) prescribe or approve sales price disclosure report
16 forms as provided by Section 22.63, Tax Code, as added by this Act;
17 and

18 (2) begin to publicize the requirements of Subchapter
19 D, Chapter 22, Tax Code, as required by Section 22.66, Tax Code, as
20 added by this Act.

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