

By: Rodriguez

H.B. No. 3433

Substitute the following for H.B. No. 3433:

By: Hegar

C.S.H.B. No. 3433

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring a person responsible for closing a real  
3 estate transaction to assist a purchaser or owner in applying for a  
4 residence homestead exemption for ad valorem tax purposes.

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

6 SECTION 1. Subchapter C, Chapter 11, Tax Code, is amended by  
7 adding Sections 11.48 and 11.49 to read as follows:

8 Sec. 11.48. ASSISTANCE WITH EXEMPTION APPLICATION. A  
9 person who for compensation prepares the closing documentation on a  
10 sale, encumbrance, or transfer of a single-family residential  
11 structure or a single unit of other residential property shall:

12 (1) provide to the purchaser or, in the case of an  
13 encumbrance, the owner of the property a copy of the form used by  
14 each appraisal district in which the property is located for  
15 applying for exemptions provided under Section 11.13; and

16 (2) disclose to the purchaser or owner, as applicable,  
17 the following information:

18 (A) the type of exemptions available under  
19 Section 11.13 and instructions on how to file an application for  
20 applicable exemptions with each appraisal district in which the  
21 property is located;

22 (B) the location, including the mailing and  
23 physical address, of each appraisal district in which the property  
24 is located; and

1           (C) the period in which the appraisal district  
2 must receive the application for the purchaser or owner to qualify  
3 for any applicable exemptions under Section 11.13.

4           Sec. 11.49. FEE FOR ASSISTANCE WITH RESIDENCE HOMESTEAD  
5 APPLICATION. (a) A person who assists another person by preparing  
6 or filing on behalf of the other person an application for an  
7 exemption under Section 11.13:

8           (1) may not charge a fee of more than \$25 for that  
9 service; and

10           (2) must timely file the application with the chief  
11 appraiser for each appraisal district in which the property is  
12 located.

13           (b) A fee under Subsection (a) must be paid directly by the  
14 person who receives the service. A person providing a service  
15 described by Subsection (a) may not accept any part of a refund of  
16 taxes on any property in payment for those services.

17           (c) A person who violates this section is liable to the  
18 purchaser or owner, as applicable, for:

19           (1) actual damages;

20           (2) \$1,000 in punitive damages; and

21           (3) reasonable court costs and attorney's fees.

22           SECTION 2. (a) This Act takes effect September 1, 2003.

23           (b) Section 11.48, Tax Code, as added by this Act, applies  
24 only to a sale, encumbrance, or transfer of real property that  
25 occurs on or after the effective date of this Act.