

By: Lindsay

S.B. No. 188

A BILL TO BE ENTITLED

AN ACT

relating to the public sale of certain real property; providing penalties.

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

SECTION 1. Subchapter C, Chapter 34, Civil Practice and Remedies Code, is amended by adding Section 34.0445 to read as follows:

Sec. 34.0445. PERSONS ELIGIBLE TO BID ON AND PURCHASE REAL PROPERTY. (a) To be eligible to bid on real property at a sale under this subchapter, a person must, before the sale begins, exhibit to the officer conducting the sale a written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that there are no delinquent ad valorem taxes owed by the person to that county or to a school district having territory in that county.

(b) An individual may not bid on or purchase the property in the name of any other individual.

(c) An officer conducting a sale under this subchapter may not accept a bid from, execute a deed to, or deliver a deed to a person who, before the sale begins, does not exhibit to the officer a statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that there are

1 no delinquent ad valorem taxes owed by the person to that county or
2 to a school district having territory in that county. The officer
3 conducting the sale may not execute a deed in the name of or deliver
4 a deed to any person other than the person who was the successful
5 bidder.

6 (d) A sale conducted or deed executed or delivered in
7 violation of this section is void.

8 (e) A person who knowingly violates this section commits an
9 offense. An offense under this subsection is a Class B misdemeanor.

10 (f) To the extent of a conflict between this section and any
11 other law, this section controls.

12 SECTION 2. Subchapter A, Chapter 34, Tax Code, is amended by
13 adding Section 34.015 to read as follows:

14 Sec. 34.015. PERSONS ELIGIBLE TO BID ON OR PURCHASE REAL
15 PROPERTY. (a) In this section, "person" does not include a taxing
16 unit or an individual acting on behalf of a taxing unit.

17 (b) To be eligible to bid on real property at a tax sale a
18 person must, before the sale begins, exhibit to the officer
19 conducting the sale a written statement issued to the person by the
20 county assessor-collector of the county in which the sale is
21 conducted showing that there are no delinquent taxes owed by the
22 person to that county or to a school district having territory in
23 that county.

24 (c) On the written request of any person, a county
25 assessor-collector shall issue a written statement stating whether
26 there are any delinquent taxes owed by the person to that county or
27 to a school district having territory in that county. A request for

1 the issuance of a statement by the county assessor-collector under
2 this subsection must:

3 (1) sufficiently identify any property subject to
4 taxation by the county or by a school district having territory in
5 the county, regardless of whether the property is located in the
6 county, that the person owns or formerly owned so that the county
7 assessor-collector and the collector for each school district
8 having territory in the county may determine whether the property
9 is included on a current or a cumulative delinquent tax roll for the
10 county or the school district under Section 33.03;

11 (2) specify the address to which the county
12 assessor-collector should send the statement;

13 (3) include any additional information reasonably
14 required by the county assessor-collector; and

15 (4) be sworn to and signed by the person requesting the
16 statement.

17 (d) On receipt of a request under Subsection (c), the county
18 assessor-collector shall send to the collector for each school
19 district having territory in the county a request for information
20 as to whether there are any delinquent taxes owed by the person to
21 that school district. The county assessor-collector shall specify
22 the date by which the collector must respond to the request.

23 (e) If the county assessor-collector determines that there
24 are delinquent taxes owed to the county for which the person is
25 personally liable or receives information from the collector for a
26 school district having territory in the county indicating that
27 there are delinquent taxes owed to that school district on the

1 person's current or former property for which the person is
2 personally liable, the county assessor-collector shall include in
3 the statement issued under Subsection (c) the amount of delinquent
4 taxes owed by the person to that county or to the school district
5 and the name and address of the collector for that school district.

6 (f) If the county assessor-collector does not receive a
7 response from the collector for any school district to whom the
8 county assessor-collector sent a request under Subsection (d) as to
9 whether there are delinquent taxes on the person's current or
10 former property owed by the person to that school district, the
11 county assessor-collector shall indicate in the statement issued
12 under Subsection (c) that the county assessor-collector is unable
13 to certify that there are no delinquent taxes owed by the person to
14 that school district and include the name and address of the
15 collector for that school district.

16 (g) To cover the costs associated with the issuance of
17 statements under Subsection (c), a county assessor-collector may
18 charge the person requesting a statement a fee not to exceed \$10 for
19 each statement requested.

20 (h) A statement under Subsection (c) must be issued in the
21 name of the requestor, bear the requestor's name, and include the
22 dates of issuance and expiration. A statement expires on the 90th
23 day after the date of issuance.

24 (i) An individual may not bid on or purchase the property in
25 the name of any other individual.

26 (j) An officer conducting a tax sale under Section 34.01 may
27 not accept a bid from, execute a deed to, or deliver a deed to a

1 person who, before the sale begins, does not exhibit to the officer
2 a statement issued to the person under Subsection (c) showing that
3 the county assessor-collector of the county in which the sale is
4 conducted has determined that there are no delinquent taxes owed by
5 the person to that county or to a school district having territory
6 in that county. The officer conducting the sale may not execute a
7 deed in the name of or deliver a deed to any person other than the
8 person who was the successful bidder.

9 (k) A sale conducted or deed executed or delivered in
10 violation of this section is void.

11 (l) A person who knowingly violates this section commits an
12 offense. An offense under this subsection is a Class B misdemeanor.

13 (m) To the extent of a conflict between this section and any
14 other law, this section controls.

15 SECTION 3. This Act takes effect September 1, 2003. The
16 change in law made by this Act applies only to a public sale of real
17 property conducted on or after September 1, 2003. A public sale of
18 real property conducted before September 1, 2003, is governed by
19 the law in effect on the date the sale was conducted, and the former
20 law is continued in effect for that purpose.