

By: Madla

S.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

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

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

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

7 Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY  
8 RECORDS. (a) In this section, "instrument" means a deed,  
9 mortgage, or deed of trust.

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

15 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL  
16 PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING  
17 INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED  
18 FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY  
19 NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

20 (c) The validity of an instrument as between the parties to  
21 the instrument and the notice provided by the instrument are not  
22 affected by a party's failure to include the notice required under  
23 Subsection (b).

24 (d) The county clerk may not reject an instrument presented

1 for recording because the instrument contains or fails to contain a  
2 social security number or driver's license number. If the county  
3 clerk accepts an instrument for recording, the recording of the  
4 instrument creates a conclusive presumption that the requirements  
5 of this section have been met.

6 (e) The county clerk shall post a notice in the county  
7 clerk's office stating that instruments recorded in the real  
8 property or official public records or the equivalent of the real  
9 property or official public records of the county and executed on or  
10 after January 1, 2004:

11 (1) are not required to contain a social security  
12 number or driver's license number; and

13 (2) are public records available for review by the  
14 public.

15 (f) All instruments recorded under this section are subject  
16 to inspection by the public.

17 (g) Unless this section is cited in a law enacted after  
18 September 1, 2003, this section is the exclusive law governing the  
19 confidentiality of personal information contained in the real  
20 property or official public records or the equivalent of the real  
21 property or official public records of a county.

22 (h) To the extent that federal law conflicts with this  
23 section, an instrument must contain the information required by and  
24 must be filed in a manner that complies with federal law.

25 SECTION 2. Section 13.002, Property Code, is amended to  
26 read as follows:

27 Sec. 13.002. EFFECT OF RECORDED INSTRUMENT. An instrument

1 that is properly recorded in the proper county is:

2           (1) notice to all persons of the existence of the  
3 instrument; and

4           (2) subject to inspection by the public.

5           SECTION 3. This Act takes effect September 1, 2003, and  
6 applies only to a deed, mortgage, or deed of trust executed on or  
7 after January 1, 2004.