

AN ACT

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

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

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

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

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

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

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

(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.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1559 passed the Senate on  
May 6, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1559 passed the House on  
May 28, 2003, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor