

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.