

By: Madla

S.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain personal information filed with the county clerk in the real property records.

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) An instrument executed after December 31, 2003, transferring an interest in real property from or to a natural person may not be filed for record unless a notice appears on the first page of the instrument in 12-point boldface type or 12-point uppercase letters and that reads substantially similar to the following:

"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, YOUR DRIVERS LICENSE NUMBER, OR YOUR PHONE NUMBER."

(b) The validity of a conveyance or other instrument as between the parties and the notice imparted by the instrument are not affected by a failure to include the notice in compliance with this section on the first page of the instrument.

(c) Acceptance of the instrument by the county clerk for filing and recording creates a conclusive presumption that the

1 requirements of this section have been met.

2 (d) This section shall not apply to any instrument to the
3 extent federal law provides otherwise.

4 (e) The county clerk shall post a notice in the county
5 clerk's office stating that instruments filed in the real property
6 records and executed after December 31, 2003 may not contain a
7 social security number or driver license, and that instruments
8 filed for record in the real property records are public records
9 available for review by members of the public.

10 (f) Unless this section is expressly mentioned in laws
11 enacted after the effective date hereof, these provisions shall be
12 the sole provisions relating to confidentiality of the real
13 property records. All real property records and the information
14 therein, including the address or legal description of land, return
15 address, and name of parties, shall be available for review by the
16 public or any person.

17 (g) For purposes of this section, an instrument is a deed,
18 mortgage or deed of trust.

19 SECTION 2. This Act takes effect September 1, 2003.