

1-1 By: Madla S.B. No. 1559
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 25, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 25, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1559 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the confidentiality of and access to certain personal
1-11 information contained in instruments recorded with a county clerk.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 11, Property Code, is amended by adding
1-14 Section 11.008 to read as follows:

1-15 Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY
1-16 RECORDS. (a) In this section, "instrument" means a deed,
1-17 mortgage, or deed of trust.

1-18 (b) An instrument executed on or after January 1, 2004,
1-19 transferring an interest in real property to or from an individual
1-20 may not be recorded unless a notice appears on the first page of the
1-21 instrument in 12-point boldfaced type or 12-point uppercase letters
1-22 and reads substantially as follows:

1-23 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL
1-24 PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING
1-25 INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED
1-26 FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY
1-27 NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

1-28 (c) The validity of an instrument as between the parties to
1-29 the instrument and the notice provided by the instrument are not
1-30 affected by a party's failure to include the notice required under
1-31 Subsection (b).

1-32 (d) The county clerk may not reject an instrument presented
1-33 for recording because the instrument contains or fails to contain a
1-34 social security number or driver's license number. If the county
1-35 clerk accepts an instrument for recording, the recording of the
1-36 instrument creates a conclusive presumption that the requirements
1-37 of this section have been met.

1-38 (e) The county clerk shall post a notice in the county
1-39 clerk's office stating that instruments recorded in the real
1-40 property or official public records or the equivalent of the real
1-41 property or official public records of the county and executed on or
1-42 after January 1, 2004:

1-43 (1) are not required to contain a social security
1-44 number or driver's license number; and

1-45 (2) are public records available for review by the
1-46 public.

1-47 (f) All instruments recorded under this section are subject
1-48 to inspection by the public.

1-49 (g) Unless this section is cited in a law enacted after
1-50 September 1, 2003, this section is the exclusive law governing the
1-51 confidentiality of personal information contained in the real
1-52 property or official public records or the equivalent of the real
1-53 property or official public records of a county.

1-54 (h) To the extent that federal law conflicts with this
1-55 section, an instrument must contain the information required by and
1-56 must be filed in a manner that complies with federal law.

1-57 SECTION 2. Section 13.002, Property Code, is amended to
1-58 read as follows:

1-59 Sec. 13.002. EFFECT OF RECORDED INSTRUMENT. An instrument
1-60 that is properly recorded in the proper county is:

1-61 (1) notice to all persons of the existence of the
1-62 instrument; and

1-63 (2) subject to inspection by the public.

2-1 SECTION 3. This Act takes effect September 1, 2003, and
2-2 applies only to a deed, mortgage, or deed of trust executed on or
2-3 after January 1, 2004.

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