

By: Lucio

S.B. No. 1783

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring a person responsible for closing a real
3 estate transaction to assist a purchaser in applying for a
4 residence homestead exemption for ad valorem tax purposes.

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

6 SECTION 1. Subchapter C, Chapter 11, Tax Code, is amended by
7 adding Sections 11.48-11.50 to read as follows:

8 Sec. 11.48. ASSISTANCE WITH RESIDENCE HOMESTEAD
9 APPLICATION. (a) A person who for compensation prepares the
10 closing documentation on a sale or transfer of a single-family
11 residential structure or a single unit of other residential
12 property shall provide the purchaser of the property a copy of the
13 form prescribed by the comptroller for applying for an exemption
14 under Section 11.13.

15 (b) On request of a purchaser for assistance with filing the
16 form prescribed by the comptroller for applying for an exemption
17 under Section 11.13, the person who is responsible for the closing
18 documentation shall prepare the form on behalf of the purchaser and
19 file the application with the chief appraiser for each appraisal
20 district in which the property is located before the earlier of:

21 (1) the 15th day after the date on which the real
22 estate transaction closes; or

23 (2) May 1, if the real estate transaction closes on or
24 before May 1.

1 (c) A purchaser may waive in writing the right to receive
2 the assistance described by this section.

3 Sec. 11.49. EFFECT OF WAIVER OF ASSISTANCE WITH RESIDENCE
4 HOMESTEAD APPLICATION. A person who receives a signed waiver from a
5 purchaser of real property under Section 11.48 is not required by
6 law to assist the purchaser with preparing or filing the form
7 prescribed by the comptroller for applying for an exemption under
8 Section 11.13.

9 Sec. 11.50. FEE FOR ASSISTANCE WITH RESIDENCE HOMESTEAD
10 APPLICATION. (a) A person who assists another person by preparing
11 or filing on behalf of the other person an application for an
12 exemption under Section 11.13 may not charge a fee of more than \$25
13 for that service.

14 (b) A fee under Subsection (a) must be paid directly by the
15 person who receives the service. A person providing a service
16 described by Subsection (a) may not accept any part of a refund of
17 ad valorem taxes on any property in payment for those services.

18 SECTION 2. (a) This Act takes effect September 1, 2003.

19 (b) Sections 11.48 and 11.49, Tax Code, as added by this
20 Act, apply only to a sale or transfer of real property that occurs
21 on or after the effective date of this Act.