

Amend **HB 2491** by adding new SECTIONS to the bill, numbered appropriately, to read as follows:

SECTION \_\_. The heading to Subchapter C, Chapter 22, Tax Code, is amended to read as follows:

SUBCHAPTER C. [~~OTHER~~] REPORTS OF  
POLITICAL SUBDIVISION ACTIONS

SECTION \_\_. Chapter 22, Tax Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORT OF SALES PRICE

Sec. 22.61. SALES PRICE DISCLOSURE REPORT. (a) Except as provided by Subsection (b), not later than the 10th day after the date the deed is recorded in the county real property records, the purchaser or grantee of real property under a recorded deed conveying an interest in the real property shall file a sales price disclosure report with the chief appraiser of the appraisal district established for the county in which the property is located.

(b) This section does not apply to a sale or other transfer of real property if:

(1) the sale or other transfer is made:

(A) pursuant to a court order;

(B) to or from a trustee in bankruptcy;

(C) pursuant to a power of sale under a deed of trust or other encumbrance secured by the property;

(D) by a deed in lieu of foreclosure;

(E) by one co-owner to one or more other co-owners;

(F) to a spouse or to a person or persons in the first degree of lineal consanguinity of one or more of the sellers or grantors;

(G) to or from a governmental entity;

(H) pursuant to the power of eminent domain; or

(I) to a utility company and the real property is an easement, license, or right-of-way; or

(2) the real property is a severed mineral interest.

(c) A sales price disclosure report must be signed by the purchaser or grantee of the real property described in the report.

Sec. 22.62. REPORT FORM. (a) A sales price disclosure report filed under this subchapter must read as follows, with the appropriate information included in the blanks:

SALES PRICE DISCLOSURE REPORT

Section 22.61, Tax Code, requires a purchaser or grantee under a deed to prepare this report, sign it, and file it with the chief appraiser of the appraisal district established for the county in which the property is located not later than the 10th day after the date the deed is recorded. This report is not required to be filed if the sale or transfer is made: (1) under a court order; (2) to or from a trustee in bankruptcy; (3) under a deed of trust or other encumbrance secured by the property; (4) by a deed in lieu of foreclosure; (5) between co-owners; (6) between spouses or between family members in the first degree of lineal consanguinity; (7) to or from a governmental entity; (8) pursuant to the power of eminent domain; or (9) to a utility company and the property is an easement, license, or right-of-way. In addition, this report is not required to be filed if the property being sold or transferred is a severed mineral interest. Knowingly making a false statement on this form is grounds for prosecution of a Class A misdemeanor or a state jail felony under Section 37.10, Penal Code. The chief appraiser may not use the information in this form as the sole basis on which to increase the market value of the property.

Seller's or grantor's name: \_\_\_\_\_

Purchaser's or grantee's name: \_\_\_\_\_

Purchaser's or grantee's address: \_\_\_\_\_

Property description (as stated in deed): \_\_\_\_\_

Sales price of or other consideration paid for the property:

\_\_\_\_\_

The method used to finance the sales price or other consideration was:  none (cash sale)  cash and third-party financing  cash and seller financing  exchange of other property  other, describe: \_\_\_\_\_

Describe any unusual or extraordinary terms of the sale or transfer that affected the amount of the sales price or other consideration: \_\_\_\_\_

Provide any additional information relevant to the sale or

transfer, including:

(1) whether the sale or transfer involved property other than real property and the type of property, whether tangible or intangible, involved in the sale or transfer;

(2) whether the sale or transfer involved property located in more than one appraisal district and, if so, the portion of the sales price or other consideration allocated to the property located in the appraisal district with which the report is filed;

(3) in the case of a sale, whether the sale is the sale of an entire business or business unit; and

(4) any other facts or circumstances that affected the sales price or other consideration (optional):

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To the best of my knowledge, this statement is true and accurate.

Purchaser's or grantee's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Return this form to: \_\_\_\_\_.

(b) The appraisal district shall include at the end of the form instructions for the filing of the form by mail, hand delivery, or, if permitted by the chief appraiser, facsimile machine or other electronic means.

(c) Each appraisal district shall prepare and make available sales price disclosure report forms that conform to the requirements of this section. Except for instructions for the filing of the form, no additional information may be required to be included in a sales price disclosure report form.

Sec. 22.63. FILING AND RECEIPT OF REPORT. (a) A purchaser or grantee may file a sales price disclosure report with a chief appraiser by mail, hand delivery, or, if permitted by the chief appraiser, facsimile machine or other electronic means.

(b) On receipt of the completed sales price disclosure report, the chief appraiser shall provide to the purchaser or grantee a written acknowledgement that the report has been received. If the acknowledgement of receipt is mailed, the chief appraiser shall mail it to the purchaser or grantee at the address provided in the report.

Sec. 22.64. PREPARATION OF REPORT; IMMUNITY FROM LIABILITY.

(a) A sales price disclosure report must be prepared by the purchaser or grantee of the property described in the report or by a person on behalf of the purchaser or grantee.

(b) A person who prepares a sales price disclosure report on behalf of a purchaser or grantee of the property described in the report is not liable to any person for preparing the report or for any unintentional error or omission in the report.

Sec. 22.65. ACTION TO COMPEL COMPLIANCE. The chief appraiser may bring an action for an injunction to compel a person to comply with the requirements of this subchapter. If the court finds that this subchapter applies and that the person has failed to fully comply with its requirements, the court:

(1) shall order the person to comply; and

(2) may assess costs and reasonable attorney's fees against the person.

Sec. 22.66. PUBLIC INFORMATION. A sales price disclosure report filed with the chief appraiser under this subchapter is a public record and must be made available on request for inspection and copying during normal business hours.

SECTION \_\_. Section 23.013, Tax Code, is amended to read as follows:

Sec. 23.013. MARKET DATA COMPARISON METHOD OF APPRAISAL.

(a) If the chief appraiser uses the market data comparison method of appraisal to determine the market value of real property, the chief appraiser shall use comparable sales data and shall adjust the comparable sales to the subject property.

(b) The chief appraiser may use information contained in a sales price disclosure report filed under Subchapter D, Chapter 22, in determining the market value of real property but may not increase the market value of the real property described in the report solely on the basis of the information contained in the report.

SECTION \_\_. (a) As soon as practicable after September 1, 2005, but not later than January 1, 2006, each appraisal district shall prepare and make available sales price disclosure report forms as provided by Section 22.62, Tax Code, as added by this Act.

(b) The provisions of this Act amending Subchapter C, Chapter 22, Tax Code, and Section 23.013, Tax Code, and adding Subchapter D, Chapter 22, Tax Code, apply only to a sale of real property that occurs on or after January 1, 2006.

SECTION \_\_. (a) The provision of this Act requiring an appraisal district to prepare and make available sales price disclosure forms as provided by Section 22.62, Tax Code, as added by this Act, takes effect September 1, 2005.

(b) The provisions of this Act amending Subchapter C, Chapter 22, Tax Code, and Section 23.013, Tax Code, and adding Subchapter D, Chapter 22, Tax Code, take effect January 1, 2006.