

BILL ANALYSIS

S.B. 461
By: Madla
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As proposed, S.B. 461 revises law enacted by the 78th Legislature, Regular Session, 2003, that addressed the confidentiality of information filed in the real property records in a county clerk's office. S.B. 461 clarifies the content and the type of instrument to which the notice required under Section 11.008 (Confidential Information in Real Property Records) Property Code, must be attached. It further clarifies that a county clerk cannot reject an instrument filed solely because it does not comply with the provisions of Section 11.008, Property Code. S.B. 461 also contains language that prohibits an increased fee for failure of a page to meet certain type size and heading requirements under Section 191.007(b)(3) (Specifications For Legal Papers; Increased Fees), Local Government Code, and Section 11.008, Property Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Sections 11.008 of the Property Code, as follows: Defines "instrument." Requires an instrument transferring an interest in real property to or from an individual and disclosing that individual's social security number or driver's license number, notwithstanding Section 191.007(c), Local Government Code, to include a specific notice that appears on the top of the first page of the instrument in 12-point boldfaced type or 12-point uppercase letters. Prohibits the county clerk, under any circumstance, from rejecting an instrument presented solely because the instrument fails to comply with this section. Deletes existing text relating to social security and driver's license numbers and acceptance of an instrument for recording by the county's clerk and makes conforming and nonsubstantive changes. Deletes existing text relating to instruments executed on or after January 1, 2004. Provides that all instruments described by this section, rather than recorded under this section, are subject to inspection by the public.

Amends Sections 191.007, Local Government Code, as follows: Provides an exception as provided by Section 11.008(b), Property Code. Provides that the failure of a page to meet certain requirements, rather than requirements prescribed by Subsection (b)(3) relating to type size, does not result in a fee increase under this subsection.

Makes the application of this Act prospective.

EFFECTIVE DATE

Upon passage or September 1, 2005.