

By: Gattis

H.B. No. 2867

A BILL TO BE ENTITLED

AN ACT

relating to the effect of electronic or original signatures in certain documents.

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

SECTION 1. Section 43.007(a), Business & Commerce Code, is amended to read as follows:

(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form, if the record or signature is transmitted or received electronically.

SECTION 2. Section 11.004(a), Property Code, is amended to read as follows:

(a) A county clerk shall:

(1) correctly record, as required by law, within a reasonable time after delivery, any instrument authorized or required to be recorded in that clerk's office that contains an original signature or signatures that are ~~is~~ proved, acknowledged, or sworn to according to law;

(2) give a receipt, as required by law, for an instrument delivered for recording;

(3) record instruments relating to the same property in the order the instruments are filed; and

(4) provide and keep in the clerk's office the indexes required by law.

SECTION 3. Section 12.001(a), Property Code, is amended to

1 read as follows:

2 (a) An instrument concerning real or personal property may  
3 be recorded if the original signature or signatures contained in  
4 the instrument have [~~it has~~] been acknowledged by a notary public,  
5 sworn to with a proper jurat, or proved according to law.

6 SECTION 4. Section 193.001(c), Local Government Code, is  
7 amended to read as follows:

8 (c) If an instrument that contains an original signature or  
9 signatures is filed for recording is acknowledged or proved in the  
10 manner prescribed by law for record, the clerk shall make a record  
11 of the names of the parties to the instrument in alphabetical order,  
12 the date of the instrument, the nature of the instrument, and the  
13 time that the instrument was filed. If required, the clerk shall  
14 give the person who files the instrument a receipt stating this  
15 information.

16 SECTION 5. (a) The change in law made by Section 43.007(a),  
17 Business & Commerce Code, as amended by this Act, applies only to a  
18 record or signature made or executed on or after the effective date  
19 of this Act. A record or signature made or executed before the  
20 effective date of this Act is governed by the law in effect at the  
21 time the record or signature is made or executed, and that law is  
22 continued in effect for that purpose.

23 (b) The changes in law made by Sections 11.004(a) and  
24 12.001(a), Property Code, and Section 193.001(c), Local Government  
25 Code, as amended by this Act, apply only to an instrument filed or  
26 recorded on or after the effective date of this Act. An instrument  
27 filed or recorded before the effective date of this Act is governed

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1 by the law in effect at the time the instrument was filed and  
2 recorded, and that law is continued in effect for that purpose.

3 SECTION 6. This Act takes effect September 1, 2005.