

By: Ellis

S.B. No. 464

Substitute the following for S.B. No. 464:

By: Keffer of Eastland

C.S.S.B. No. 464

A BILL TO BE ENTITLED

AN ACT

relating to the duration of judgment liens in favor of the state.

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

SECTION 1. Section 52.006, Property Code, is amended to read as follows:

Sec. 52.006. DURATION OF LIEN. (a) Except as provided by Subsection (b), a [A] judgment lien continues for 10 years following the date of recording and indexing the abstract, except that if the judgment becomes dormant during that period the lien ceases to exist.

(b) Notwithstanding Section 34.001, Civil Practice and Remedies Code, a judgment in favor of the state or a state agency, as that term is defined by Section 403.055, Government Code, does not become dormant. A properly filed abstract of the judgment continues to constitute a lien under Section 52.001 until the earlier of the 20th anniversary of the date the abstract is recorded and indexed or the date the judgment is satisfied or the lien is released. The judgment lien may be renewed for one additional 20-year period by filing, before the expiration of the initial 20-year period, a renewed abstract of judgment in the same manner as the original abstract of judgment is filed. The renewed judgment lien relates back to the date the original abstract of judgment was filed.

SECTION 2. The change in law made by this Act applies to:

1           (1) a judgment, if the judgment is not then dormant,  
2 that exists on the effective date of this Act;

3           (2) a judgment lien on record before the effective  
4 date of this Act; or

5           (3) a judgment entered or abstract of judgment  
6 recorded and indexed on or after the effective date of this Act.

7           SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2005.