

By: Krusee

H.B. No. 732

Substitute the following for H.B. No. 732:

By: Darby

C.S.H.B. No. 732

A BILL TO BE ENTITLED

AN ACT

relating to recording requirements for certain documents.

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

SECTION 1. Chapter 12, Property Code, is amended by adding Section 12.0011 to read as follows:

Sec. 12.0011. INSTRUMENTS CONCERNING PROPERTY: ORIGINAL SIGNATURE REQUIRED FOR CERTAIN INSTRUMENTS. (a) For the purposes of this section, "paper document" means a document received by a county clerk in a form that is not electronic.

(b) A paper document concerning real or personal property may not be recorded or serve as notice of the paper document unless:

(1) the paper document contains an original signature or signatures that are acknowledged, sworn to with a proper jurat, or proved according to law; or

(2) the paper document is attached as an exhibit to a paper affidavit or other document that has an original signature or signatures that are acknowledged, sworn to with a proper jurat, or proved according to law.

(c) An original signature may not be required for an electronic instrument or other document that complies with the requirements of Chapter 15 of this code, Chapter 195, Local Government Code, Chapter 43, Business & Commerce Code, or other applicable law.

SECTION 2. The changes in law made by this Act apply only to

1 a document filed or recorded on or after the effective date of this  
2 Act. A document filed or recorded before the effective date of this  
3 Act is governed by the law in effect at the time the document was  
4 filed or recorded, and that law is continued in effect for that  
5 purpose.

6 SECTION 3. This Act takes effect September 1, 2007.