

By: Krusee

H.B. No. 732

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 11.004(a), Property Code, is amended to
6 read as follows:

7 (a) A county clerk shall:

8 (1) correctly record, as required by law, within a
9 reasonable time after delivery, any instrument authorized or
10 required to be recorded in that clerk's office that contains an
11 original signature or signatures that are [~~is~~] proved,
12 acknowledged, or sworn to according to law, provided that an
13 original signature or signatures may not be required for an
14 electronic document or other instrument that complies with the
15 requirements of Chapter 15 of this code, Chapter 195, Local
16 Government Code, or Chapter 43, Business & Commerce Code;

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

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

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

23 SECTION 2. Section 12.001(a), Property Code, is amended to
24 read as follows:

1 (a) An instrument concerning real or personal property may
2 be recorded if the original signature or signatures contained in
3 the instrument have ~~[it has]~~ been acknowledged, sworn to with a
4 proper jurat, or proved according to law, provided that an original
5 signature or signatures may not be required for an electronic
6 document or other instrument that complies with the requirements of
7 Chapter 15 of this code, Chapter 195, Local Government Code, or
8 Chapter 43, Business & Commerce Code.

9 SECTION 3. Section 193.001(c), Local Government Code, is
10 amended to read as follows:

11 (c) If an instrument that contains an original signature or
12 signatures and that is filed for recording is acknowledged or
13 proved in the manner prescribed by law for record, the clerk shall
14 make a record of the names of the parties to the instrument in
15 alphabetical order, the date of the instrument, the nature of the
16 instrument, and the time that the instrument was filed, provided
17 that an original signature or signatures may not be required for an
18 electronic document or other instrument that complies with the
19 requirements of Chapter 15 of this code, Chapter 195, Local
20 Government Code, or Chapter 43, Business & Commerce Code. If
21 required, the clerk shall give the person who files the instrument a
22 receipt stating this information.

23 SECTION 4. Section 195.007(b), Local Government Code, is
24 amended to read as follows:

25 (b) The county clerk shall provide a requestor, as defined
26 by Section 552.003, Government Code, of an electronic document or
27 other instrument filed or recorded electronically under this

1 chapter with electronic copies of the electronic document or other
2 instrument in a form that is capable of being processed by the use
3 of technology that is generally available and nonproprietary in
4 nature. The county clerk shall provide the copies to the requestor
5 at the cost of producing the copies in accordance with Section
6 552.262, Government Code, and any applicable rules adopted by the
7 attorney general under that section.

8 SECTION 5. The changes in law made by Sections 11.004(a) and
9 12.001(a), Property Code, and Section 193.001(c), Local Government
10 Code, as amended by this Act, apply only to an instrument filed or
11 recorded on or after the effective date of this Act. An instrument
12 filed or recorded before the effective date of this Act is governed
13 by the law in effect at the time the instrument was filed and
14 recorded, and that law is continued in effect for that purpose.

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