

1-1 By: Keffer, et al. (Senate Sponsor - Williams) H.B. No. 2061
1-2 (In the Senate - Received from the House March 6, 2007;
1-3 March 7, 2007, read first time and referred to Committee on State
1-4 Affairs; March 14, 2007, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; March 14, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the acquisition or disclosure of the social security
1-9 number of a living person by a governmental body, including by a
1-10 district or county clerk.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 552.147, Government Code, is amended to
1-13 read as follows:

1-14 Sec. 552.147. [~~EXCEPTION.~~] SOCIAL SECURITY NUMBERS [~~NUMBER~~
1-15 ~~OF LIVING PERSON~~]. (a) The social security number of a living
1-16 person is excepted from the requirements of Section 552.021, but is
1-17 not confidential under this section and this section does not make
1-18 the social security number of a living person confidential under
1-19 another provision of this chapter or other law.

1-20 (b) A governmental body may redact the social security
1-21 number of a living person from any information the governmental
1-22 body discloses under Section 552.021 without the necessity of
1-23 requesting a decision from the attorney general under Subchapter G.

1-24 (c) Notwithstanding any other law, a county or district
1-25 clerk may disclose in the ordinary course of business a social
1-26 security number that is contained in information held by the
1-27 clerk's office, and that disclosure is not official misconduct and
1-28 does not subject the clerk to civil or criminal liability of any
1-29 kind under the law of this state, including any claim for damages in
1-30 a lawsuit or the criminal penalty imposed by Section 552.352.

1-31 (d) Unless another law requires a social security number to
1-32 be maintained in a government document, on written request from an
1-33 individual or the individual's representative the clerk shall
1-34 redact within a reasonable amount of time all but the last four
1-35 digits of the individual's social security number from information
1-36 maintained in the clerk's official public records, including
1-37 electronically stored information maintained by or under the
1-38 control of the clerk. The individual or the individual's
1-39 representative must identify, using a form provided by the clerk,
1-40 the specific document or documents from which the partial social
1-41 security number shall be redacted.

1-42 SECTION 2. Section 11.008, Property Code, is amended to
1-43 read as follows:

1-44 Sec. 11.008. PERSONAL [~~CONFIDENTIAL~~] INFORMATION IN REAL
1-45 PROPERTY RECORDS. (a) In this section, "instrument" means a deed
1-46 or deed of trust.

1-47 (b) An instrument submitted for recording is not required to
1-48 contain an individual's social security number, and the social
1-49 security number of an individual is not obtained or maintained by
1-50 the clerk under this section. The preparer of a document may not
1-51 include an individual's social security number in a document that
1-52 is presented for recording in the office of the county clerk.

1-53 (c) Notwithstanding Section 191.007(c), Local Government
1-54 Code, an instrument transferring an interest in real property to or
1-55 from an individual [~~and disclosing that individual's social~~
1-56 security number or driver's license number] must include a notice
1-57 that appears on the top of the first page of the instrument in
1-58 12-point boldfaced type or 12-point uppercase letters and reads
1-59 substantially as follows:

1-60 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL
1-61 PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING
1-62 INFORMATION FROM ANY [THIS] INSTRUMENT THAT TRANSFERS AN INTEREST
1-63 IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC
1-64 RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE

2-1 NUMBER.

2-2 (d) [~~(e)~~] The validity of an instrument as between the
 2-3 parties to the instrument and the notice provided by the instrument
 2-4 are not affected by a party's failure to include the notice required
 2-5 under Subsection (c) [~~(b)~~].

2-6 (e) [~~(d)~~] The county clerk may not under any circumstance
 2-7 reject an instrument presented for recording solely because the
 2-8 instrument fails to comply with this section. Other than the duty
 2-9 to redact an individual's social security number as required by
 2-10 Section 552.147, Government Code, the county clerk has no duty to
 2-11 ensure that an instrument presented for recording does not contain
 2-12 an individual's social security number.

2-13 (f) [~~(e)~~] The county clerk shall post a notice in the county
 2-14 clerk's office stating that instruments recorded in the real
 2-15 property or official public records or the equivalent of the real
 2-16 property or official public records of the county:

2-17 (1) are not required to contain a social security
 2-18 number or driver's license number; and

2-19 (2) are public records available for review by the
 2-20 public.

2-21 (g) [~~(f)~~] All instruments described by this section are
 2-22 subject to inspection by the public. The county clerk is not
 2-23 criminally or civilly liable for disclosing an instrument or
 2-24 information in an instrument in compliance with the public
 2-25 information law (Chapter 552, Government Code) or another law.

2-26 (h) [~~(g)~~] Unless this section is cited in a law enacted
 2-27 after September 1, 2003, this section is the exclusive law
 2-28 governing the confidentiality of personal information contained in
 2-29 the real property or official public records or the equivalent of
 2-30 the real property or official public records of a county.

2-31 (i) [~~(h)~~] To the extent that federal law conflicts with this
 2-32 section, an instrument must contain the information required by and
 2-33 must be filed in a manner that complies with federal law.

2-34 SECTION 3. This Act takes effect immediately if it receives
 2-35 a vote of two-thirds of all the members elected to each house, as
 2-36 provided by Section 39, Article III, Texas Constitution. If this
 2-37 Act does not receive the vote necessary for immediate effect, this
 2-38 Act takes effect September 1, 2007.

2-39

* * * * *