

By: Smith of Harris

H.B. No. 1147

A BILL TO BE ENTITLED

AN ACT

relating to notice by a governmental entity regarding certain geospatial data products.

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

SECTION 1. Chapter 2051, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS

Sec. 2051.101. DEFINITIONS. In this subchapter:

(1) "Geospatial data product" means a document, computer file, or Internet website that contains:

(A) geospatial data;

(B) a map; or

(C) information about a service involving geospatial data or a map.

(2) "Governmental entity" has the meaning assigned by Section 2051.041.

(3) "Registered professional land surveyor" has the meaning assigned by Section 1071.002, Occupations Code.

Sec. 2051.102. NOTICE REQUIRED. (a) A governmental entity shall include a notice as provided by this subchapter on each geospatial data product that:

(1) is created or hosted by the governmental entity;

(2) appears to represent property boundaries; and

(3) was not produced using information from an

1 on-the-ground survey conducted by or under the supervision of a
2 registered professional land surveyor or land surveyor authorized
3 to perform surveys under laws in effect when the survey was
4 conducted.

5 (b) The notice required under Subsection (a) must be in
6 substantially the following form:

7 This product is for informational purposes and may not have
8 been prepared for or be suitable for legal, engineering, or
9 surveying purposes. It does not represent an on-the-ground survey
10 and represents only the approximate relative location of property
11 boundaries.

12 (c) The notice required under Subsection (a) may:

13 (1) include language further defining the limits of
14 liability of a geospatial data product producer;

15 (2) apply to a geospatial data product that contains
16 more than one map; or

17 (3) for a notice that applies to a geospatial data
18 product that is or is on an Internet website, be included on a
19 separate page that requires the person accessing the website to
20 agree to the terms of the notice before accessing the geospatial
21 data product.

22 Sec. 2051.103. EXEMPTION. A governmental entity is not
23 required to include the notice required under Section 2051.102 on a
24 geospatial data product that:

25 (1) does not contain a legal description, a property
26 boundary monument, or the distance and direction of a property
27 line;

1 (2) is prepared only for use as evidence in a legal
2 proceeding;

3 (3) is filed with the clerk of any court; or

4 (4) is filed with the county clerk.

5 SECTION 2. For geospatial data products that are printed
6 documents, Section 2051.102, Government Code, as added by this Act,
7 applies only to a document printed on or after the effective date of
8 this Act. A document printed before the effective date of this Act
9 is governed by the law in effect on the date the document was
10 printed, and the former law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2011.