

BILL ANALYSIS

C.S.H.B. 3464
By: Bohac
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have observed that anyone may file a real property document at a county clerk's office. However, the parties report that some people conduct transactions that appear to be suspicious in the county clerk's office lobby and that these people ultimately file documents which are later found to be fraudulent. For instance, the seller of a property may turn out not to be the owner of the property, but the seller who files the document cannot be identified. The interested parties assert that keeping the filer's identification information along with the filed document will assist any subsequent investigation and help with the problem of fraudulent documents being filed with the county clerk. C.S.H.B. 3464 seeks to amend statutory provisions relating to the filing of documents with the county clerk.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3464 amends the Local Government Code to authorize a county clerk to require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. The bill authorizes the county clerk to copy the photo identification or record information from the photo identification and establishes that such copied or recorded information is confidential. The bill prohibits the clerk from charging a person a fee to copy or record the information from a photo identification. The bill specifies that a document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

C.S.H.B. 3464 defines "photo identification" as a driver's license, election identification certificate, or personal identification card issued to the person by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation; a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation; a United States citizenship certificate issued to the person that contains the person's photograph; a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3464 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 191, Local Government Code, is amended by adding Section 191.010 to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE DOCUMENT.

(a) In this section, "photo identification" means one of the following forms of photo identification:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

(b) A county clerk may require that a person presenting a document in person for filing must present a photo identification to the clerk.

The clerk may copy the photo identification or record information from the photo identification.

(c) Information copied or recorded from the photo identification is confidential and may not be released to any person.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 191, Local Government Code, is amended by adding Section 191.010 to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS.

(a) In this section, "photo identification" means one of the following forms of photo identification:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

(b) A county clerk may require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo identification. The clerk may not charge a person a fee to copy or record the information from a photo identification.

(c) Information copied or recorded from the photo identification is confidential.

(d) A document filed with a county clerk is not invalid solely because the county clerk did not copy a photo identification or record the information from the photo identification.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.