

By: Kuempel

H.B. No. 4248

A BILL TO BE ENTITLED

AN ACT

relating to specifications for legal papers filed with a county clerk.

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

SECTION 1. Section 103.030, Government Code, is amended to read as follows:

Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL GOVERNMENT CODE. Fees and costs shall be paid or collected under the Local Government Code as follows:

(1) services by the offices of the sheriff and constables (Sec. 118.131, Local Government Code) . . . amount set by county commissioners court;

(2) a filing fee or recording fee for each page of a legal paper presented for filing or recording that fails to meet certain requirements regarding paper size, weight, substance, headings, ~~[legibility]~~ the presence of typed or printed names under each signature, ~~[and number]~~ and size of riders or attachments (Sec. 191.007, Local Government Code) . . . twice the regular filing fee or recording fee provided by statute for that page, rider, or attachment;

(3) a processing fee as authorized by the commissioners court for the payment by credit card of a fee, court cost, or other charge processed by a county or precinct officer (Secs. 132.002 and 132.003, Local Government Code) . . . an amount

1 reasonably related to the expense incurred by the county or
2 precinct officer but not to exceed five percent of the amount of the
3 fee, court cost, or other charge being paid;

4 (4) a processing fee as authorized by the governing
5 body of the municipality for the payment by credit card of a fee,
6 court cost, or other charge processed by a municipal official
7 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount
8 reasonably related to the expense incurred by the municipal
9 official but not to exceed five percent of the amount of the fee,
10 court cost, or other charge being paid;

11 (5) a handling fee, if authorized by the commissioners
12 court under Section 132.002, Local Government Code, for
13 electronically processing the payment of a fee, fine, court cost,
14 or other charge (Secs. 132.002 and 132.003, Local Government Code):

15 (A) charged at a flat rate that does not exceed \$5
16 for each payment transaction; or

17 (B) charged at a rate reasonably related to the
18 expense incurred in processing a payment and that does not exceed
19 five percent of the amount of the fee, court cost, or other charge
20 being paid;

21 (6) a fee, if authorized by the commissioners court,
22 collected by a county or precinct officer on behalf of the county
23 from a person making payment by credit card of a fee, court cost, or
24 other charge (Sec. 132.003, Local Government Code) . . . an amount
25 equal to the amount of any transaction fee charged to the county by
26 a vendor providing services in connection with payments made by
27 credit card; and

1 (7) a records technology and infrastructure fee, if
2 authorized by the commissioners court of the county (Secs. 118.026,
3 118.069, and 118.102, Local Government Code) . . . \$2.00.

4 SECTION 2. Sections 191.007(a), (b), (d), (f), (g), (h),
5 and (k), Local Government Code, are amended to read as follows:

6 (a) A legal paper presented to a county clerk for filing or
7 for recording in any county must meet the requirements prescribed
8 by this section [~~Subsections (b) through (g)~~]. Except as provided
9 by this section, a county clerk may not impose additional
10 requirements or fees for filing or recording a legal paper.

11 (b) A page is considered to be one side of a sheet of paper.
12 A page must:

13 (1) be no wider than 8-1/2 inches and no longer than 14
14 inches;

15 (2) have a sufficient weight and substance so that
16 printing, typing, or handwriting on it will not smear or bleed
17 through; and

18 (3) be printed in type not smaller than 10-point
19 [~~eight-point~~] type and be suitable otherwise for reproducing from
20 it a readable record by a photocopy, microfilm, microfiche, or
21 digital imaging [~~or photostatic or microphotographic~~] process used
22 in the office of the county clerk.

23 (d) Printing, typing, [~~and~~] handwriting, and notary seals
24 must be clearly legible so that a legible copy may be reproduced.
25 The county clerk may refuse to record a legal paper that does not
26 meet the requirements of this subsection.

27 (f) All pages submitted for recording [~~photostats,~~

1 ~~photocopies, and other types of reproduction]~~ must have black
2 printing, typing, or handwriting on a white background, commonly
3 known as positive prints.

4 (g) Riders and attachments must comply with the size
5 requirement prescribed by Subsection (b) and shall not be larger
6 than the size of the page. ~~[Only one rider or attachment may be
7 included in or attached to a page.]~~

8 (h) The filing fee or recording fee for each page of a legal
9 paper that is presented for filing or recording to a county clerk
10 and fails to meet one or more of the requirements prescribed by
11 Subsection ~~[Subsections]~~ (b), (c), (e), (f), or ~~[through]~~ (g) is
12 equal to twice the regular filing fee or recording fee provided by
13 statute for that page. ~~[However, the failure of a page to meet the
14 following requirements does not result in a fee increase under this
15 subsection.]~~

16 ~~[(1) the requirement prescribed by Subsection (b)(3)
17 relating to type size, and~~

18 ~~[(2) provided that the legal paper complies with
19 Section 11.008(c), Property Code, the requirement prescribed by
20 Subsection (c) that a legal paper have a clearly identifying
21 heading.]~~

22 (k) This section does not authorize a county clerk to refuse
23 to record a legal paper for the reason that it fails to meet one or
24 more of the requirements prescribed by Subsection ~~[Subsections]~~
25 (b), (c), (e), (f), or ~~[through]~~ (g). Failure to comply with these
26 requirements shall not in any manner alter, amend, impair, or
27 invalidate any document or legal instrument of any type or

1 character and upon recordation by the county clerk the document or
2 legal instrument shall be deemed and considered as fully complying
3 with the provisions of law dealing with the recordation of
4 documents or legal instruments of every type and character.

5 SECTION 3. Sections 191.007(i) and (j), Local Government
6 Code, are repealed.

7 SECTION 4. The change in law made by this Act applies to a
8 legal paper filed with a county clerk on or after September 1, 2019.
9 A legal paper filed with a county clerk before September 1, 2019, is
10 governed by the law in effect at the time the paper was filed, and
11 the former law is continued in effect for that purpose.

12 SECTION 5. This Act takes effect September 1, 2019.