

1-1 By: Kuempel (Senate Sponsor - Zaffirini) H.B. No. 4248  
 1-2 (In the Senate - Received from the House May 6, 2019;  
 1-3 May 10, 2019, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2019, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4248 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to specifications for legal papers filed with a county  
 1-22 clerk.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 103.030, Government Code, is amended to  
 1-25 read as follows:

1-26 Sec. 103.030. MISCELLANEOUS FEES AND COSTS: LOCAL  
 1-27 GOVERNMENT CODE. Fees and costs shall be paid or collected under  
 1-28 the Local Government Code as follows:

1-29 (1) services by the offices of the sheriff and  
 1-30 constables (Sec. 118.131, Local Government Code) . . . amount set  
 1-31 by county commissioners court;

1-32 (2) a filing fee or recording fee for each page of a  
 1-33 legal paper presented for filing or recording that fails to meet  
 1-34 certain requirements regarding paper size, weight, substance,  
 1-35 headings, legibility, the presence of typed or printed names under  
 1-36 each signature, ~~[and number]~~ and size of riders or attachments  
 1-37 (Sec. 191.007, Local Government Code) . . . twice the regular  
 1-38 filing fee or recording fee provided by statute for that page,  
 1-39 rider, or attachment;

1-40 (3) a processing fee as authorized by the  
 1-41 commissioners court for the payment by credit card of a fee, court  
 1-42 cost, or other charge processed by a county or precinct officer  
 1-43 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount  
 1-44 reasonably related to the expense incurred by the county or  
 1-45 precinct officer but not to exceed five percent of the amount of the  
 1-46 fee, court cost, or other charge being paid;

1-47 (4) a processing fee as authorized by the governing  
 1-48 body of the municipality for the payment by credit card of a fee,  
 1-49 court cost, or other charge processed by a municipal official  
 1-50 (Secs. 132.002 and 132.003, Local Government Code) . . . an amount  
 1-51 reasonably related to the expense incurred by the municipal  
 1-52 official but not to exceed five percent of the amount of the fee,  
 1-53 court cost, or other charge being paid;

1-54 (5) a handling fee, if authorized by the commissioners  
 1-55 court under Section 132.002, Local Government Code, for  
 1-56 electronically processing the payment of a fee, fine, court cost,  
 1-57 or other charge (Secs. 132.002 and 132.003, Local Government Code):

1-58 (A) charged at a flat rate that does not exceed \$5  
 1-59 for each payment transaction; or

1-60 (B) charged at a rate reasonably related to the

2-1 expense incurred in processing a payment and that does not exceed  
2-2 five percent of the amount of the fee, court cost, or other charge  
2-3 being paid;

2-4 (6) a fee, if authorized by the commissioners court,  
2-5 collected by a county or precinct officer on behalf of the county  
2-6 from a person making payment by credit card of a fee, court cost, or  
2-7 other charge (Sec. 132.003, Local Government Code) . . . an amount  
2-8 equal to the amount of any transaction fee charged to the county by  
2-9 a vendor providing services in connection with payments made by  
2-10 credit card; and

2-11 (7) a records technology and infrastructure fee, if  
2-12 authorized by the commissioners court of the county (Secs. 118.026,  
2-13 118.069, and 118.102, Local Government Code) . . . \$2.00.

2-14 SECTION 2. Sections 191.007(a), (b), (d), (f), (g), (h),  
2-15 and (k), Local Government Code, are amended to read as follows:

2-16 (a) A legal paper presented to a county clerk for filing or  
2-17 for recording in any county must meet the requirements prescribed  
2-18 by this section [~~Subsections (b) through (g)~~]. Except as provided  
2-19 by this section, a county clerk may not impose additional  
2-20 requirements or fees for filing or recording a legal paper.

2-21 (b) A page is considered to be one side of a sheet of paper.  
2-22 A page must:

2-23 (1) be no wider than 8-1/2 inches and no longer than 14  
2-24 inches;

2-25 (2) have a sufficient weight and substance so that  
2-26 printing, typing, or handwriting on it will not smear or bleed  
2-27 through; and

2-28 (3) be printed in type not smaller than 10-point  
2-29 [~~eight-point~~] type and be suitable otherwise for reproducing from  
2-30 it a readable record by a photocopy, microfilm, microfiche, or  
2-31 digital imaging [~~or photostatic or microphotographic~~] process used  
2-32 in the office of the county clerk.

2-33 (d) Printing, typing, [~~and~~] handwriting, and notary seals  
2-34 must be clearly legible so that a legible copy may be reproduced.

2-35 (f) All pages submitted for recording [~~photostats,~~  
2-36 ~~photocopies, and other types of reproduction~~] must have black  
2-37 printing, typing, or handwriting on a white background, commonly  
2-38 known as positive prints.

2-39 (g) Riders and attachments must comply with the size  
2-40 requirement prescribed by Subsection (b) and shall not be larger  
2-41 than the size of the page. [~~Only one rider or attachment may be~~  
2-42 ~~included in or attached to a page.~~]

2-43 (h) The filing fee or recording fee for each page of a legal  
2-44 paper that is presented for filing or recording to a county clerk  
2-45 and fails to meet one or more of the requirements prescribed by  
2-46 Subsections (b) through (g) is equal to twice the regular filing fee  
2-47 or recording fee provided by statute for that page. If a page of a  
2-48 legal paper fails to meet a requirement prescribed by Subsections  
2-49 (b) through (g), the county clerk may note the deficiency at the  
2-50 bottom of the page. [~~However, the failure of a page to meet the~~  
2-51 ~~following requirements does not result in a fee increase under this~~  
2-52 ~~subsection.~~]

2-53 [~~(1) the requirement prescribed by Subsection (b)(3)~~  
2-54 ~~relating to type size; and~~

2-55 [~~(2) provided that the legal paper complies with~~  
2-56 ~~Section 11.008(c), Property Code, the requirement prescribed by~~  
2-57 ~~Subsection (c) that a legal paper have a clearly identifying~~  
2-58 ~~heading.]~~

2-59 (k) This section does not authorize a county clerk to refuse  
2-60 to record a legal paper for the reason that it fails to meet one or  
2-61 more of the requirements prescribed by Subsections (b) through  
2-62 (g). Failure to comply with these requirements shall not in any  
2-63 manner alter, amend, impair, or invalidate any document or legal  
2-64 instrument of any type or character and upon recordation by the  
2-65 county clerk the document or legal instrument shall be deemed and  
2-66 considered as fully complying with the provisions of law dealing  
2-67 with the recordation of documents or legal instruments of every  
2-68 type and character. The recordation of a document or legal  
2-69 instrument by the county clerk is not a determination by the clerk

3-1 that the document meets the requirements of this section or any  
3-2 other law.

3-3 SECTION 3. Sections 191.007(i) and (j), Local Government  
3-4 Code, are repealed.

3-5 SECTION 4. The change in law made by this Act applies to a  
3-6 legal paper filed with a county clerk on or after September 1, 2019.  
3-7 A legal paper filed with a county clerk before September 1, 2019, is  
3-8 governed by the law in effect at the time the paper was filed, and  
3-9 the former law is continued in effect for that purpose.

3-10 SECTION 5. This Act takes effect September 1, 2019.

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