

AN ACT

relating to the recording by a county clerk of certain documents concerning real or personal property.

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

SECTION 1. Section 193.003(b), Local Government Code, is amended to read as follows:

(b) The index must be a cross-index that contains the names of the grantors and grantees in alphabetical order. If a deed is made by a sheriff, the index entry must contain the name of the sheriff and the defendant in execution. If a deed is made by an executor, administrator, or guardian, the index entry must contain the name of that person and the name of the person's testator, intestate, or ward. If a deed is made by an attorney, the index entry must contain the name of the attorney and the attorney's constituents. If a deed is made by a commissioner or trustee, the index entry must contain the name of the commissioner or trustee and the name of the person whose estate is conveyed. The index entry for a correction instrument must contain the names of the grantors and grantees as stated in the correction instrument. The index entry for a paper document described by Section 12.0011(b)(3), Property Code, must contain the names of the grantors and grantees.

SECTION 2. Section 12.0011(b), Property Code, is amended to read as follows:

(b) A paper document concerning real or personal property

1 may not be recorded or serve as notice of the paper document unless:

2 (1) the paper document contains an original signature  
3 or signatures that are acknowledged, sworn to with a [~~proper~~]  
4 jurat, or proved according to law; [~~or~~]

5 (2) the paper document is attached as an exhibit to a  
6 paper affidavit or other document that has an original signature or  
7 signatures that are acknowledged, sworn to with a [~~proper~~] jurat,  
8 or proved according to law; or

9 (3) the paper document is a tangible copy of an  
10 electronic record that has been declared to be a true and correct  
11 copy of the electronic record as provided by Section 12.0013 by a  
12 notary public or other officer who may take an acknowledgment or  
13 proof of a written instrument under Section 121.001, Civil Practice  
14 and Remedies Code.

15 SECTION 3. Chapter 12, Property Code, is amended by adding  
16 Section 12.0013 to read as follows:

17 Sec. 12.0013. RECORDATION OF PAPER OR TANGIBLE COPY OF  
18 ELECTRONIC RECORD. (a) In this section:

19 (1) "Document" means information that is inscribed on  
20 a tangible medium or that is stored in an electronic or other medium  
21 and is retrievable in perceivable form.

22 (2) "Electronic," "electronic record," and  
23 "electronic signature" have the meanings assigned by Section  
24 322.002, Business & Commerce Code.

25 (b) A county clerk shall record a paper or tangible copy of  
26 an electronic record that is otherwise eligible under state law to  
27 be recorded in the real property records if the paper or tangible

1 copy of the electronic record:

2 (1) contains an image of an electronic signature or  
3 signatures that are acknowledged, sworn to with a jurat, or proved  
4 according to law; and

5 (2) has been declared by a notary public or other  
6 officer who may take an acknowledgment or proof under Section  
7 121.001, Civil Practice and Remedies Code, to be a true and correct  
8 copy of the electronic record as provided by Subsection (d).

9 (c) A document that is a paper or tangible copy of an  
10 electronic record and is printed and declared to be a true and  
11 correct copy as provided by Subsection (d) satisfies any  
12 requirement of law that, as a condition for recording, the  
13 document:

14 (1) be an original or be in writing;

15 (2) be signed or contain an original signature, if the  
16 document contains an image of an electronic signature of the person  
17 required to sign the document; and

18 (3) be notarized, acknowledged, verified, witnessed,  
19 made under oath, sworn to with a jurat, or proved according to law,  
20 if the document contains an image of an electronic signature of the  
21 person authorized to perform that act and all other information  
22 required to be included.

23 (d) A notary public or other officer who may take an  
24 acknowledgment or proof under Section 121.001, Civil Practice and  
25 Remedies Code, may declare that a paper or tangible copy of an  
26 electronic record is a true and correct copy of an electronic record  
27 by:

1           (1) executing and attaching an official seal to a  
2 tangible paper declaration under penalty of perjury; and

3           (2) affixing or attaching the declaration to the  
4 printed paper or tangible copy of an electronic record.

5           (e) The form of declaration required under Subsection (d)  
6 must be substantially as follows:

7                                   DECLARATION OF AUTHENTICITY

8 State of \_\_\_\_\_

9 County of \_\_\_\_\_

10           The attached document, \_\_\_\_\_(insert title), dated  
11 \_\_\_\_\_ and containing \_\_\_ pages, is a true and correct copy of  
12 an electronic record printed by me or under my supervision. At the  
13 time of printing, no security features present on the electronic  
14 record indicated any changes or errors in an electronic signature  
15 or other information in the electronic record after the electronic  
16 record's creation or execution. This declaration is made under  
17 penalty of perjury.

18 Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

19 \_\_\_\_\_(signature of notary public or other officer)

20 (seal of office)

21 \_\_\_\_\_(printed name of notary public or other officer)

22 My commission expires: \_\_\_\_\_

23           SECTION 4. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2128 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2128 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor