

1-1 By: Creighton S.B. No. 2128
1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 8, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2128 By: Creighton

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

1-21 relating to the recording by a county clerk of certain documents
1-22 concerning real or personal property.

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

1-24 SECTION 1. Section 193.003(b), Local Government Code, is
1-25 amended to read as follows:

1-26 (b) The index must be a cross-index that contains the names
1-27 of the grantors and grantees in alphabetical order. If a deed is
1-28 made by a sheriff, the index entry must contain the name of the
1-29 sheriff and the defendant in execution. If a deed is made by an
1-30 executor, administrator, or guardian, the index entry must contain
1-31 the name of that person and the name of the person's testator,
1-32 intestate, or ward. If a deed is made by an attorney, the index
1-33 entry must contain the name of the attorney and the attorney's
1-34 constituents. If a deed is made by a commissioner or trustee, the
1-35 index entry must contain the name of the commissioner or trustee and
1-36 the name of the person whose estate is conveyed. The index entry
1-37 for a correction instrument must contain the names of the grantors
1-38 and grantees as stated in the correction instrument. The index
1-39 entry for a paper document described by Section 12.0011(b)(3),
1-40 Property Code, must contain the names of the grantors and grantees.

1-41 SECTION 2. Section 12.0011(b), Property Code, is amended to
1-42 read as follows:

1-43 (b) A paper document concerning real or personal property
1-44 may not be recorded or serve as notice of the paper document unless:

1-45 (1) the paper document contains an original signature
1-46 or signatures that are acknowledged, sworn to with a proper jurat,
1-47 or proved according to law; ~~or~~

1-48 (2) the paper document is attached as an exhibit to a
1-49 paper affidavit or other document that has an original signature or
1-50 signatures that are acknowledged, sworn to with a proper jurat, or
1-51 proved according to law; or

1-52 (3) the paper document is a tangible copy of an
1-53 electronic record certified as provided by Section 12.0013 by a
1-54 notary public or other officer who may take an acknowledgment or
1-55 proof of a written instrument under Section 121.001, Civil Practice
1-56 and Remedies Code.

1-57 SECTION 3. Chapter 12, Property Code, is amended by adding
1-58 Section 12.0013 to read as follows:

1-59 Sec. 12.0013. RECORDATION OF PAPER OR TANGIBLE COPY OF
1-60 ELECTRONIC RECORD. (a) In this section:

2-1 (1) "Document" means information that is inscribed on
2-2 a tangible medium or that is stored in an electronic or other medium
2-3 and is retrievable in perceivable form.

2-4 (2) "Electronic," "electronic record," and
2-5 "electronic signature" have the meanings assigned by Section
2-6 322.002, Business & Commerce Code.

2-7 (b) A county clerk shall record a paper or tangible copy of
2-8 an electronic record that is otherwise eligible under state law to
2-9 be recorded in the real property records if the paper or tangible
2-10 copy of the electronic record:

2-11 (1) contains an image of an electronic signature or
2-12 signatures that are acknowledged, sworn to with a proper jurat, or
2-13 proved according to law; and

2-14 (2) has been certified by a notary public or other
2-15 officer who may take an acknowledgment or proof under Section
2-16 121.001, Civil Practice and Remedies Code, to be a true and correct
2-17 copy of the electronic record as provided by Subsection (d).

2-18 (c) A document that is a paper or tangible copy of an
2-19 electronic record and is printed and certified to be a true and
2-20 correct copy as provided by Subsection (d) satisfies any
2-21 requirement of law that, as a condition for recording, the
2-22 document:

2-23 (1) be an original or be in writing;

2-24 (2) be signed or contain an original signature, if the
2-25 document contains an image of an electronic signature of the person
2-26 required to sign the document; and

2-27 (3) be notarized, acknowledged, verified, witnessed,
2-28 made under oath, sworn to with a proper jurat, or proved according
2-29 to law, if the document contains an image of an electronic signature
2-30 of the person authorized to perform that act and all other
2-31 information required to be included.

2-32 (d) A notary public or other officer who may take an
2-33 acknowledgment or proof under Section 121.001, Civil Practice and
2-34 Remedies Code, may certify that a paper or tangible copy of an
2-35 electronic record is a true and correct copy of an electronic record
2-36 by:

2-37 (1) executing and attaching an official seal to a
2-38 tangible paper certificate under penalty of perjury; and

2-39 (2) affixing or attaching the certificate to the
2-40 printed paper or tangible copy of an electronic record.

2-41 (e) The form of certificate required under Subsection (d)
2-42 must be substantially as follows:

2-43 DECLARATION OF AUTHENTICITY

2-44 State of _____

2-45 County of _____

2-46 I certify that the attached document,
2-47 _____ (insert title), dated _____ and containing

2-48 _____ pages, is a true and correct copy of an electronic record printed
2-49 by me or under my supervision. I further certify that, at the time
2-50 of printing, no security features present on the electronic record
2-51 indicated any changes or errors in an electronic signature or other
2-52 information in the electronic record after the electronic record's
2-53 creation or execution. This certification is made under penalty of
2-54 perjury.

2-55 Signed this _____ day of _____, _____.

2-56 _____ (signature of notary public or other officer)

2-57 (seal of office)

2-58 _____ (printed name of notary public or other officer)

2-59 My commission expires: _____

2-60 SECTION 4. This Act takes effect September 1, 2019.

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