87R4416 NC-D

By:  Sherman, Sr. H.B. No. 949

A BILL TO BE ENTITLED

AN ACT

relating to the electronic filing with and the recording by county clerks of records conveying or purporting to convey title to or an interest in real property.

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

SECTION 1.  Section 191.009(a), Local Government Code, is amended to read as follows:

(a)  A county clerk may accept electronic documents and other instruments by electronic filing and record the electronic documents and other instruments electronically if:

(1)  the electronic documents or instruments do not convey or purport to convey title to or an interest in real property; and

(2)  the filing or recording complies with the rules adopted by the Texas State Library and Archives Commission under Chapter 195.

SECTION 2.  Section 195.002(b), Local Government Code, is amended to read as follows:

(b)  The rules must provide for:

(1)  the electronic filing with and recording by the county clerk of:

(A)  real property records, other than records conveying or purporting to convey title to or an interest in real property; and

(B)  except for records maintained under Section 192.006, other instruments filed with and recorded by the county clerk as determined by the commission;

(2)  the means by which an electronic document or other instrument may be electronically transmitted to a county clerk for filing;

(3)  the means by which a county clerk may electronically record an electronic document or other instrument filed electronically;

(4)  requiring that the means adopted under Subdivision (2) or (3) be generally available, nonproprietary technology; and

(5)  security standards to prevent the filing and recording of fraudulent electronic documents or other instruments or alteration of electronic documents or other instruments that were previously filed and recorded electronically.

SECTION 3.  Chapter 15, Property Code, is amended by adding Section 15.0025 to read as follows:

Sec. 15.0025.  APPLICABILITY. This chapter does not apply to a document that conveys or purports to convey title to or an interest in real property.

SECTION 4.  (a)  Section 191.009(a), Local Government Code, as amended by this Act, and Section 15.0025, Property Code, as added by this Act, apply only to a document filed for recording on or after January 1, 2022.

(b)  Not later than November 1, 2021, the Texas State Library and Archives Commission shall adopt rules necessary to implement Section 195.002(b), Local Government Code, as amended by this Act, and Section 15.0025, Property Code, as added by this Act.

SECTION 5.  This Act takes effect September 1, 2021.