

By: Hernandez

H.B. No. 1382

A BILL TO BE ENTITLED

AN ACT

relating to the public sale of real property taken in execution of a judgment.

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

SECTION 1. Section [34.041](#), Civil Practice and Remedies Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (b) to read as follows:

(a-1) The commissioners court of a county by official action may authorize the officer charged with conducting a public sale of real property taken in execution of a judgment to conduct a public auction using online bidding and sale. The commissioners court may adopt rules governing online auctions authorized under this subsection. Rules adopted by the commissioners court under this subsection take effect on the 90th day after the date the rules are published in the real property records of the county.

(a-2) Subsection (a-1) does not apply to a sale of real property conducted under Section [51.002](#), Property Code.

(b) The commissioners court of a county may designate an area other than an area at the county courthouse where public sales of real property under this chapter will take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court shall record that designation in the real property records of

1 the county. A designation by a commissioners court under this  
2 section is not a ground for challenging or invalidating any  
3 sale. Except for a sale conducted under Subsection (a) or (a-1), a  
4 sale must be held at an area designated under this subsection if the  
5 sale is held on or after the 90th day after the date the designation  
6 is recorded. The commissioners court may by order authorize a  
7 county official or employee to identify separate locations within  
8 the designated area for the conduct of sales under this section and  
9 for the conduct of sales by peace officers under other laws.

10 SECTION 2. This Act takes effect September 1, 2023.