

By: Middleton

S.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to disclosures required to record an instrument conveying real property.

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

SECTION 1. Section 12.001, Property Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) An instrument conveying real property may not be recorded unless it is:

(1) signed and acknowledged or sworn to by the grantor in the presence of two or more credible subscribing witnesses or acknowledged or sworn to before and certified by an officer authorized to take acknowledgements or oaths, as applicable; and

(2) accompanied by a notice of real property title transfer that complies with Section 16.001.

(b-1) The notice required by Subsection (b)(2) shall be retained by the county clerk separately from the real property records. Subject to Subsection (b-2), a notice filed under this section and information contained in the notice is confidential and not subject to disclosure under Chapter 552, Government Code.

(b-2) On request of an agency of this state, the county clerk shall disclose the notice described by Subsection (b)(2) to the agency. A notice obtained by a state agency under this section and information contained in the notice is confidential and not

1 subject to disclosure under Chapter 552, Government Code. The
2 notice and information may be used only for a governmental purpose.

3 SECTION 2. Title 3, Property Code, is amended by adding
4 Chapter 16 to read as follows:

5 CHAPTER 16. NOTICE OF REAL PROPERTY TITLE TRANSFER

6 Sec. 16.001. NOTICE OF REAL PROPERTY TITLE TRANSFER
7 REQUIRED FOR RECORDING. (a) For purposes of Section 12.001(b), an
8 instrument conveying real property that is filed for recording must
9 be accompanied by a completed notice of real property title
10 transfer on a form prescribed by the commissioner of the General
11 Land Office under Section 16.002. For purposes of this section,
12 "completed notice" means that the form contains:

13 (1) the name of the grantor and grantee;
14 (2) the address of the grantor and grantee; and
15 (3) the social security number or taxpayer
16 identification number of the grantor and grantee.

17 (b) The notice of real property transfer form must be:

18 (1) signed by the grantor and grantee of the
19 instrument under oath; or

20 (2) made by the grantor and grantee as an unsworn
21 declaration under Section 132.001, Civil Practice and Remedies
22 Code.

23 Sec. 16.002. NOTICE OF REAL PROPERTY TITLE TRANSFER FORM.

24 (a) The commissioner of the General Land Office by rule shall
25 prescribe a form for the notice of real property title transfer
26 required by Section 12.001(b).

27 (b) The form prescribed under Subsection (a) must include a

place for the grantor and grantee to state:

(1) the address and a description of the real property;

(2) the full name, address, telephone number, citizenship status, and social security number or taxpayer identification number of the grantor;

(3) the full name, address, telephone number, citizenship status, and social security number or taxpayer identification number of the grantee;

(4) the date the instrument conveying the real property was signed and acknowledged or sworn to by the grantor;

(5) the county in which the instrument was signed;

(6) the name and mailing address of any lienholder and the date of lien, if applicable;

(7) the purchase price and amount of any taxes paid, if applicable;

(8) the signature of the grantor;

(9) the signature of the grantee;

(10) the date the grantor and grantee signed the form;

and

(11) an appropriate jurat.

SECTION 3. The changes in law made by this Act apply only to an instrument that is filed for recording on or after January 1, 2026. An instrument filed for recording before January 1, 2026, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Not later than December 31, 2025, the

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1 commissioner of the General Land Office shall adopt rules necessary
2 for the implementation of Chapter 16, Property Code, as added by
3 this Act.

4 SECTION 5. This Act takes effect on the 91st day after the
5 last day of the legislative session.