

H.B. No. 2930

AN ACT relating to the confidentiality of and access to certain personal information contained in instruments recorded with a county clerk.

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

SECTION 1. Chapter 11, Property Code, is amended by adding Section 11.008 to read as follows:

Sec. 11.008. CONFIDENTIAL INFORMATION IN REAL PROPERTY RECORDS.

(a) In this section, "instrument" means a deed, mortgage or deed of trust.

(b) An instrument executed on or after January 1, 2004, transferring an interest in real property to or from an individual may not be recorded unless a notice appears on the first page of the instrument in 12-point boldfaced type or a 12-point uppercase letters and reads substantially as follows:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

(c) The validity of an instrument as between the parties to the instrument and the notice provided by the instrument are not affected by a party's failure to include the notice required under subsection (b).

(d) The county clerk may not reject an instrument presented for recording because the instrument contains or fails to contain a social security number or driver's license number. If the county clerk accepts an instrument for recording, the recording of the instrument creates a conclusive presumption that the requirements of this section have been met.

(e) The county clerk shall post a notice in the county clerk's office stating that instruments recorded in the real property or official public records or the equivalent of the real property or official public records of the county and executed on or after January 1, 2004:

(1) are not required to contain a social security number or a driver's license number; and

(2) are public records available for review by the public

(f) All instruments recorded under this section are subject to inspection by the public.

(g) Unless this section is cited in a law enacted after September 1, 2003, this section is the exclusive law governing the confidentiality of personal information contained in the real property or official public records or the equivalent of the real property or official public records of a county.

(h) To the extent that federal law conflicts with this section, an instrument must contain the information required by and must be filed in a manner that complies with federal law.

SECTION 2. Section 13.002, Property Code, is amended to read as follows:

Sec. 13.002. EFFECT OF RECORDED INSTRUMENT. An instrument that is properly recorded in the proper county is:

(1) notice to all person of the existence of the instrument; and

(2) subject to inspection by the public.

SECTION 3. This Act takes effect September 1, 2003, and applies only to a deed, mortgage, or deed of trust executed on or after January 1, 2004.