

By: Giddings

H.B. No. 2257

A BILL TO BE ENTITLED

AN ACT

relating to mandatory sales price disclosure in certain real property sales; providing a civil penalty.

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

SECTION 1. Chapter 12, Property Code, is amended by adding Section 12.0012 to read as follows:

Sec. 12.0012. MANDATORY SALES PRICE DISCLOSURE. (a) In this section:

(1) "Commercial property" means real property that is primarily used in the course of a business that provides items or services for sale to the general public.

(2) "Multifamily residential property" means real property that includes two or more residential units under single ownership.

(3) "Vacantland" means unimproved real property.

(b) A person may not file for record or have recorded in the county clerk's office an instrument conveying commercial property, multifamily residential property, or vacant land under a contract for sale unless the instrument discloses the sales price of the property.

(c) The purchaser of any property for which an instrument is recorded in violation of Subsection (b) is liable to the state for a civil penalty for each violation in an amount equal to five percent of the sales price of the property.

1 (d) The attorney general or the county or district attorney
2 for the county in which the property is located may bring suit to
3 recover a penalty under this section.

4 (e) This section does not apply to an instrument conveying
5 only a mineral interest in real property.

6 SECTION 2. The changes in law made by this Act apply only to
7 an instrument recorded on or after the effective date of this Act.
8 An instrument recorded before the effective date of this Act is
9 covered by the law in effect when the instrument was recorded, and
10 the former law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2009.