

BILL ANALYSIS

Senate Research Center

H.B. 3316
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law (Section 751.151, Estates Code) requires that a durable power of attorney be filed in county records for real property transactions that require the execution and delivery of instruments. This can include: a deed of trust; deed of conveyance; oil, gas or other mineral leases; or a lien. An untimely filing of a durable power of attorney can result in a real property transaction losing legal standing or in a break in the chain of title.

H.B. 3316 seeks to address concerns of landowners by clarifying existing statute to state that a durable power of attorney must be filed within 30 days of a real property transaction taking place.

H.B. 3316 amends current law relating to the time for recording a durable power of attorney for certain real property transactions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 751.151, Estates Code, as follows:

Sec. 751.151. RECORDING FOR REAL PROPERTY TRANSACTIONS REQUIRING EXECUTION AND DELIVERY OF INSTRUMENTS. Requires a durable power of attorney for a real property transaction requiring the execution and delivery of an instrument that is to be recorded, including a release, assignment, satisfaction, mortgage, security agreement, deed of trust, encumbrance, deed of conveyance, oil, gas, or other mineral lease, memorandum of a lease, lien, or other claim or right to real property, to be recorded in the office of the county clerk of the county in which the property is located not later than the 30th day after the date the instrument is filed for recording.

SECTION 2. Provides that this Act applies only to a real property transaction entered into on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.