

By: Huberty

H.B. No. 3951

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of persons to participate in an ad
valorem tax sale of real property; creating a criminal offense.

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

SECTION 1. Subchapter A, Chapter 34, Tax Code, is amended by
adding Section 34.011 to read as follows:

Sec. 34.011. BIDDER REGISTRATION. (a) This section
applies only to a sale of real property under this chapter conducted
in a county in which the commissioners court by order has adopted
the provisions of this section.

(b) A commissioners court may require that, to be eligible
to bid at a sale of real property under this chapter, a person must
be registered as a bidder with the county assessor-collector before
the sale begins. The county assessor-collector may adopt rules
governing the registration of bidders under this section. The
county assessor-collector may require a person registering as a
bidder:

- (1) to designate the person's name and address;
- (2) to provide valid proof of identification;
- (3) to provide written proof of authority to bid on
behalf of another person, if applicable;
- (4) to provide any additional information reasonably
required by the county assessor-collector; and
- (5) to at least annually execute a statement on a form

1 provided by the county assessor-collector certifying that there are
2 no delinquent ad valorem taxes owed by the person registering as a
3 bidder to the county or to any taxing unit having territory in the
4 county.

5 (c) The county assessor-collector shall issue a written
6 registration statement to a person who has registered as a bidder
7 under this section. A person is not eligible to bid at a sale of real
8 property under this chapter unless the county assessor-collector
9 has issued a written registration statement to the person before
10 the sale begins.

11 SECTION 2. Section 34.015(p), Tax Code, is amended to read
12 as follows:

13 (p) This section applies only to a sale of real property
14 under Section 34.01 that is conducted in:

15 (1) a county with a population of 250,000 or more in
16 which the commissioners court has not by order adopted the
17 provisions of Section 34.011; or

18 (2) a county with a population of less than 250,000 in
19 which the commissioners court by order has adopted the provisions
20 of this section.

21 SECTION 3. Sections 34.0445(a) and (c), Civil Practice and
22 Remedies Code, are amended to read as follows:

23 (a) An officer conducting a sale of real property under this
24 subchapter may not execute or deliver a deed to the purchaser of the
25 property unless the purchaser exhibits to the officer:

26 (1) an unexpired written statement issued to the
27 person in the manner prescribed by Section 34.015, Tax Code,

1 showing that the county assessor-collector of the county in which
2 the sale is conducted has determined that:

3 (A) [~~(1)~~] there are no delinquent ad valorem
4 taxes owed by the person to that county; and

5 (B) [~~(2)~~] for each school district or
6 municipality having territory in the county there are no known or
7 reported delinquent ad valorem taxes owed by the person to that
8 school district or municipality; or

9 (2) the written registration statement issued to the
10 person in the manner prescribed by Section 34.011, Tax Code,
11 showing that the person is a registered bidder at the sale at which
12 the property is sold.

13 (c) The deed executed by the officer conducting the sale
14 must name the successful bidder as the grantee and recite that the
15 successful bidder exhibited to that officer:

16 (1) an unexpired written statement issued to the
17 person in the manner prescribed by Section 34.015, Tax Code,
18 showing that the county assessor-collector of the county in which
19 the sale was conducted determined that:

20 (A) [~~(1)~~] there are no delinquent ad valorem
21 taxes owed by the person to that county; and

22 (B) [~~(2)~~] for each school district or
23 municipality having territory in the county there are no known or
24 reported delinquent ad valorem taxes owed by the person to that
25 school district or municipality; or

26 (2) the written registration statement issued to the
27 person in the manner prescribed by Section 34.011, Tax Code,

1 showing that the person is a registered bidder at the sale at which
2 the property is sold.

3 SECTION 4. The changes in law made by this Act apply only to
4 the sale of real property under Subchapter C, Chapter 34, Civil
5 Practice and Remedies Code, or Chapter 34, Tax Code, on or after the
6 effective date of this Act.

7 SECTION 5. This Act takes effect January 1, 2016.