

SUBJECT: Allowing county clerks to require photo ID for filing real property records

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Coleman, Stucky, Anderson, Cason, Longoria, Lopez,
Stephenson, J. Turner

1 nay — Spiller

WITNESSES: For — Phillip Clark, Dallas County District Attorney's Office; Russell Schaffner, Tarrant County; (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Adam Haynes, Conference of Urban Counties; Jim Allison, County Judges and Commissioners Association of Texas; Charles Reed, Dallas County Commissioners Court; M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Daniel Collins, El Paso County; Thamara Narvaez, Harris County Commissioners Court; Rick Bailey, Johnson County; Julie Campbell)

Against — (*Registered, but did not testify*: Aaron Day, Texas Land Title Association)

BACKGROUND: Local Government Code sec. 191.010(b) allows a county clerk in a county with a population of 3.3 million or more to require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo ID but may not charge a person a fee to copy or record the ID information.

DIGEST: CSHB 2414 would allow any county clerk to require a person presenting a document in person for filing in the county's real property records to present a photo identification.

A county clerk that required the presentation of a photo ID would not be allowed to accept a document for filing in the county's real property records if the person presented the document in person and did not have or

refused to provide a photo ID.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 2414 would help all counties in the state to more effectively prevent deed fraud and protect consumer rights by allowing county clerks to require photo ID for property record filing. Counties across the state have seen numerous instances of deed fraud, in which forged property titles are sold to unsuspecting buyers. Allowing county clerks to require photo ID for in-person deed change filings would provide them with both a deterrent and an investigative tool and improve the general integrity of county records. This could save property owners and buyers from expensive and time-consuming litigation against fraudulent deeds.

The bill is permissive and would allow counties to decide for themselves whether requiring photo ID would be a helpful practice. The bill also does not specify the type of ID that would be required, so a school, employment, or other ID could be used, not just a driver's license.

Limiting the bill's provisions to counties with electronic filing options would defeat the purpose of providing all counties in the state with a tool to combat deed fraud. Ultimately, any inconvenience for title agents that the bill might cause is outweighed by the need to enable all counties, including rural and small ones, to better protect themselves from property title fraud.

**CRITICS
SAY:**

CSHB 2414 could impose a burden on rural title agents by allowing counties to create an unnecessary obstacle to the in-person deed filing process. In smaller counties that do not allow electronic property record filing, title agents may rely on runners who do not have a photo ID, such as high school-aged summer employees who have not yet acquired a driver's license. The bill could be improved if it limited the ability to require photo ID to counties that allow electronic filing.