

BILL ANALYSIS

Senate Research Center

S.B. 874
By: Huffman
State Affairs
5/24/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 874 is a revision to the already-enacted Transfer on Death Deed (TODD), which was passed by the 84th Legislature. TODD allows an individual to transfer real property to someone else upon their death without having to go through probate. After receiving feedback about revisions that could be made to TODD forms, it was deemed prudent to simply remove the forms from the Estates Code and instead have the Texas Supreme Court promulgate them. In this way, each time the forms need to be revised, the legislature will not have to pass a bill.

S.B. 874 would amend the Estates Code to repeal the codified forms. Instead, the Texas Supreme Court shall create a TODD form and a matching revocation form. The forms and instructions will be made readily available to the general public on the Supreme Court's judicial branch and self-help websites. (Original Author's/Sponsor's Statement of Intent)

S.B. 874 amends current law relating to forms for creating or revoking a transfer on death deed.

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 22.020(a), Government Code, by adding Subdivision (3) to define "transfer on death deed."

SECTION 2. Amends Section 22.020(b), Government Code, as follows:

(b) Requires the Supreme Court of Texas (supreme court), as it considers appropriate, to promulgate:

(1)–(2) makes no changes to these subdivisions;

(2-a) a form for use to create a transfer on death deed and a form for use to create an instrument of revocation of a transfer on death deed under Chapter 114 (Transfer on Death Deed), Estates Code; and

(3) makes no changes to this subdivision.

SECTION 3. Repealer: Section 114.002(b) (relating to the terms "cancel" and "revoke" being synonymous), Estates Code.

Repealer: Subchapter D (Forms For Transfer on Death Deed), Chapter 114, Estates Code.

SECTION 4. Provides that the repeal of Subchapter D, Chapter 114, Estates Code, by this Act does not affect the validity of a transfer on death deed or a cancellation of a transfer on death deed executed before, on, or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2019.