

SB171/HB156 COMMERCIAL LAW: Increases amount of time to perfect a purchase-money security interest.

Sponsors: Sen. Overbey, Doug , Rep. Eldridge, Jimmy
Summary: Increases the amount of time needed to perfect a purchase-money security interest from 30 days to 60 days. Broadly captioned.
Fiscal Note: (Dated February 8, 2017) NOT SIGNIFICANT
Senate Status: 02/02/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/03/17 - Referred to House Insurance & Banking Subcommittee.

SB258/HB586 CRIMINAL LAW: Possession of property through illegal means to be a Class E felony.

Sponsors: Sen. Tracy, Jim , Rep. Rudd, Tim
Summary: Allows an action against a person claiming adverse possession to extend past the seven-year statute of limitation if there is an allegation of a person moving, removing, or destroying property stakes to alter the lawful property owner's property lines. Punishes any person found guilty of moving, removing, or destroying property stakes for the purpose of adverse possession of the property as a Class E felony.
Amendment Summary: House Criminal Justice Subcommittee Amendment 1 (006290) rewrites the bill to reduce the offense to a class A misdemeanor and to add a statute of limitations of one year for commencing prosecution for such offenses. House Criminal Justice Committee Amendment 1 (006623) deletes and rewrites the proposed legislation to prohibit a person from claiming adverse possession if the land was possessed by illegal means; to reduce the offense to a class A misdemeanor; and to add a statute of limitations of one year for commencing prosecution for such offenses.
Fiscal Note: (Dated March 16, 2017) Increase State Expenditures \$7,000/Incarceration*
Senate Status: 04/12/17 - Taken off notice in Senate Judiciary Committee.
House Status: 04/26/17 - House Finance Subcommittee deferred to 2018.

SB406/HB391 PUBLIC EMPLOYEES: Written objections to notice of audit.

Sponsors: Sen. Tracy, Jim , Rep. Brooks, Kevin
Summary: Increases the period a contracting entity has to file a written objection to a notice of audit from the comptroller from five business days to 10 business days. Broadly captioned.
Fiscal Note: (Dated February 14, 2017) NOT SIGNIFICANT
Senate Status: 03/28/17 - Taken off notice in Senate State & Local Government Committee.
House Status: 02/08/17 - Referred to House State Government Subcommittee.

SB843/HB1044 PROPERTY & HOUSING: Forfeiture of prime-contractor's lien.

Sponsors: Sen. Briggs, Richard , Rep. Matlock, Jimmy
Summary: Provides that a prime contractor's lien is forfeited if the final decision of a suit brought for its enforcement is not delivered within two years from the lienor bringing the suit to enforce the lien. Authorizes the court to hold any party that unduly delays or extends the action to enforce such a lien liable for the injured party's expenses incurred as a result of the delay or extension.
Fiscal Note: (Dated March 29, 2017) NOT SIGNIFICANT
Senate Status: 02/13/17 - Referred to Senate Judiciary Committee.
House Status: 02/17/17 - Referred to House Civil Justice Subcommittee.

SB847/HB612 PROPERTY & HOUSING: Disclosure of an entity providing services to real property.

Sponsors: Sen. Briggs, Richard , Rep. Kane, Roger
Summary: Requires the seller of residential real property to disclose to the buyer the name and address of the fire department that provides services to the property or that no fire department provides such services. Also requires them to disclose the cost to obtain such services beyond the payment of property taxes. Proof of disclosure is required at or before the closing.
Fiscal Note: (Dated February 27, 2017) Increase State Revenue \$200/FY17-18 and Every Three Years Thereafter/State Fire Marshals Office Increase Local Expenditures \$200/FY17-18 and Every Three Years Thereafter/Permissive
Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/27/17 - Withdrawn in House.

SB867/HB1185 PROPERTY & HOUSING: Information regarding the acquisition of real property for a small business.

Sponsors: Sen. Yarbrow, Jeff , Rep. Powell, Jason
Summary: Clarifies that the small business advocate within the office of the comptroller of the treasury may provide information regarding the acquisition of real property for those starting a small business or already own one.
Fiscal Note: (Dated February 21, 2017) NOT SIGNIFICANT
Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/17/17 - Referred to House Business & Utilities Subcommittee.

SB1022/HB1396 COMMERCIAL LAW: Commercial transactions on the internet.

Sponsors: Sen. Yarbrow, Jeff , Rep. Miller, Larry

Summary: Adds the internet as a source for reports that are admissible in evidence when a party is attempting to establish the prevailing price or value of any goods regularly bought and sold in any established commodity market.
Fiscal Note: (Dated March 8, 2017) NOT SIGNIFICANT
Senate Status: 02/13/17 - Referred to Senate Commerce & Labor Committee.
House Status: 02/15/17 - Referred to House Insurance & Banking Subcommittee.

SB1311/HB1230 PROPERTY & HOUSING: Conveyance of real property by a licensed attorney or owner of the property.

Sponsors: Sen. Yarbro, Jeff , Rep. Beck, Bill
Summary: Requires that a deed of conveyance of real property must be prepared by a licensed attorney or the owner of the real property, and the deed must be filed with the county register of deeds in the county in which the real property is located. Adds language to require the county register to verify that a deed of conveyance of real property was prepared by a licensed attorney or the owner of the real property, and note the verification on the deed. Allows the county register to refuse to register any deed of conveyance of real property that is not prepared by a licensed attorney or the owner of the real property.

Amendment Summary: House Civil Justice Committee Amendment 1 (006002) deletes and rewrites the bill such that the only substantive changes are to: add language requiring a county register to refuse an affidavit on a deed of real conveyance that is not signed and notarized stating under oath the name and address of the preparer of the document and stating that the preparer is a licensed attorney, title insurance agent, or owner of the property being transferred; add insurance agent to the applicable list of deed preparers; and clarify that timeshare programs, vacation clubs, and deeds filed on behalf of federal, state, local government, state or national banks, savings banks, credit unions, or federal farm credit associations are exempt from such preparation requirements.

Fiscal Note: (Dated March 19, 2017) NOT SIGNIFICANT
Senate Status: 04/19/17 - Taken off notice in Senate Judiciary Committee.
House Status: 04/24/17 - Held on House clerk's desk.

SB1482/HB1538 MEDIA & PUBLISHING: Public records - records of the county register's office.

Sponsors: Sen. Gresham, Dolores , Rep. Gant, Ron
Summary: Repeals the requirement that the register of each county, once in every year, lay before the county legislative body all the records of the register's office for examination.
Fiscal Note: (Dated January 11, 2018) NOT SIGNIFICANT
Senate Status: 01/25/18 - Set for Senate State & Local Government Committee 01/30/18.
House Status: 01/25/18 - Set for House State Government Subcommittee 01/31/18.

SB1586/HB1872 ESTATES & TRUSTS: Establishment of a lost power of attorney instrument.

Sponsors: Sen. Bell, Mike , Rep. Williams, Ryan
Summary: Creates a process by which an attorney in fact can petition a court to establish a lost power of attorney instrument. Requires an attorney in fact seeking to establish a lost instrument to satisfactorily demonstrate to the court that the principal made and executed an instrument creating a power of attorney granting powers to the attorney in fact and that the principal is unable to create a new instrument due to disability or incapacity. Also requires the attorney in fact to demonstrate the substance and content of the missing instrument and that the instrument cannot be found after diligent search. Further requires the attorney in fact to demonstrate that the instrument was not revoked by the principal or a court-appointed fiduciary.
Senate Status: 01/17/18 - Referred to Senate Judiciary Committee.
House Status: 01/24/18 - Filed for Introduction

SB1703 PROPERTY & HOUSING: Judgment lien against real property - notice.

Sponsors: Sen. Lundberg, Jon ,
Summary: Requires county register to provide notice by mail to landowner within 10 days of registration of judgment lien against real property.
Senate Status: 01/24/18 - Referred to Senate Judiciary Committee.

HB1596 ESTATES & TRUSTS: Uniform Real Property Transfer on Death Act.

Sponsors: Rep. Butt, Sheila
Summary: Enacts the "Uniform Real Property Transfer on Death Act." Defines "transfer on death deed." Specifies that an individual may transfer property to one or more beneficiaries effective at the transferor's death by a transfer on death deed. Also specifies that a transfer on death deed is revocable even if the deed or another instrument contains a contrary provision. Clarifies that a transfer on death deed is nontestamentary. Specifies that the capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a will. Establishes other provisions regarding transfer on death deeds.
House Status: 01/22/18 - Referred to House Civil Justice Subcommittee.