

COMPASS

Notice of Texas Recording Law

Texas law does not allow audio recording or audio monitoring of conversations in which the recorder is not a part of the conversation. If the seller is not present and participating in the showing, he/she cannot record it. Even though the conversation happens inside a seller's home, he/she is prohibited from recording/monitoring any conversations that he/she is not a part of. Many homes today have security cameras installed that record video. Some have audio recording/monitoring, similar to a baby monitor, and some without.

The Federal Electronic Communications Privacy Act (ECPA) does not prohibit video only recording. In fact, silent videos from security cameras are generally allowed as long as it isn't in an area where an individual would have a reasonable expectation of privacy. For instance, silent bathroom video recording is not allowed. But silent video recording of the foyer, kid's playroom, the exterior of a home, and a garage are likely permitted. Buyers' should always be aware to limit their discussions during a showing.

Illegal recording/monitoring is a felony offense in Texas, and anyone who has been recorded/monitored in violation of the law can bring a civil suit to recover \$10,000 for each occurrence, actual damages in excess of \$10,000, punitive damages, attorney's fees, and court costs.

_____ Buyer's Initials

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_____ Seller's Initials