

By: Paxton

H.B. No. 1236

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption from The Real Estate License Act for
3 persons who conduct foreclosure sales.

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

5 SECTION 1. Section 1101.005, Occupations Code, is amended
6 to read as follows:

7 Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter
8 does not apply to:

9 (1) an attorney licensed in any state;

10 (2) an attorney-in-fact authorized under a power of
11 attorney to conduct a real estate transaction;

12 (3) a public official while engaged in official
13 duties;

14 (4) an auctioneer licensed under Chapter 1802 while
15 conducting the sale of real estate by auction if the auctioneer does
16 not perform another act of a broker or salesperson;

17 (5) a person acting under a court order or the
18 authority of a will or written trust instrument;

19 (6) a person employed by an owner in the sale of
20 structures and land on which structures are located if the
21 structures are erected by the owner in the course of the owner's
22 business;

23 (7) an on-site manager of an apartment complex;

24 (8) an owner or the owner's employee who leases the

1 owner's improved or unimproved real estate;

2 (9) a partnership or limited liability partnership
3 acting as a broker or salesperson through a partner who is a
4 licensed broker; or

5 (10) a transaction involving:

6 (A) the sale, lease, or transfer of a mineral or
7 mining interest in real property;

8 (B) the sale, lease, or transfer of a cemetery
9 lot; [~~or~~]

10 (C) the lease or management of a hotel or motel;
11 or

12 (D) the sale of real property under a power of
13 sale conferred by a deed of trust or other contract lien.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.