

1-1 By: Paxton (Senate Sponsor - Harris) H.B. No. 1236  
1-2 (In the Senate - Received from the House April 4, 2005;  
1-3 April 6, 2005, read first time and referred to Committee on  
1-4 Business and Commerce; April 25, 2005, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; April 25, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to an exemption from The Real Estate License Act for  
1-9 persons who conduct foreclosure sales.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1101.005, Occupations Code, is amended  
1-12 to read as follows:

1-13 Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter  
1-14 does not apply to:

1-15 (1) an attorney licensed in any state;

1-16 (2) an attorney-in-fact authorized under a power of  
1-17 attorney to conduct a real estate transaction;

1-18 (3) a public official while engaged in official  
1-19 duties;

1-20 (4) an auctioneer licensed under Chapter 1802 while  
1-21 conducting the sale of real estate by auction if the auctioneer does  
1-22 not perform another act of a broker or salesperson;

1-23 (5) a person acting under a court order or the  
1-24 authority of a will or written trust instrument;

1-25 (6) a person employed by an owner in the sale of  
1-26 structures and land on which structures are located if the  
1-27 structures are erected by the owner in the course of the owner's  
1-28 business;

1-29 (7) an on-site manager of an apartment complex;

1-30 (8) an owner or the owner's employee who leases the  
1-31 owner's improved or unimproved real estate;

1-32 (9) a partnership or limited liability partnership  
1-33 acting as a broker or salesperson through a partner who is a  
1-34 licensed broker; or

1-35 (10) a transaction involving:

1-36 (A) the sale, lease, or transfer of a mineral or  
1-37 mining interest in real property;

1-38 (B) the sale, lease, or transfer of a cemetery  
1-39 lot; ~~or~~

1-40 (C) the lease or management of a hotel or motel;  
1-41 or

1-42 (D) the sale of real property under a power of  
1-43 sale conferred by a deed of trust or other contract lien.

1-44 SECTION 2. This Act takes effect immediately if it receives  
1-45 a vote of two-thirds of all the members elected to each house, as  
1-46 provided by Section 39, Article III, Texas Constitution. If this  
1-47 Act does not receive the vote necessary for immediate effect, this  
1-48 Act takes effect September 1, 2005.

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