

By: Isett

H.B. No. 1356

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from the requirements governing real estate brokers and salespersons.

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

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

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

- (1) an attorney licensed in any state;
- (2) an attorney-in-fact authorized under a power of attorney to conduct a real estate transaction;
- (3) a public official while engaged in official duties;
- (4) an auctioneer licensed under Chapter 1802 while conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker or salesperson;
- (5) a person conducting a real estate transaction under a court order or the authority of a will or written trust instrument;
- (6) a person employed by an owner in the sale of structures and land on which structures are located if the structures are erected by the owner in the course of the owner's business;
- (7) an on-site manager of an apartment complex;

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

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

6 (10) a transaction involving:

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

9 (B) the sale, lease, or transfer of a cemetery
10 lot;

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

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

15 (11) an employee of a property management company who
16 shows and leases condominiums on behalf of the management company
17 that has been hired by a condominium unit owners' association for
18 the purpose of leasing units.

19 SECTION 2. This Act takes effect September 1, 2009.