

By: Geren, Kuempel, Thompson, Menendez,
Hamilton

H.B. No. 1406

Substitute the following for H.B. No. 1406:

By: Jones

C.S.H.B. No. 1406

A BILL TO BE ENTITLED

1 AN ACT
2 relating to practices and professions regulated by the Texas Real
3 Estate Commission.

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

5 SECTION 1. Section 1101.152(a), Occupations Code, as
6 amended by Chapters 297 (H.B. 1530) and 1411 (S.B. 914), Acts of the
7 80th Legislature, Regular Session, 2007, is reenacted and amended
8 to read as follows:

9 (a) The commission shall adopt rules to charge and collect
10 ~~[reasonable]~~ fees in amounts reasonable and necessary to cover the
11 costs of administering this chapter, including a fee for:

12 (1) filing an original application for a broker
13 license;

14 (2) annual renewal of a broker license;

15 (3) filing an original application for a salesperson
16 license;

17 (4) annual renewal of a salesperson license;

18 (5) annual registration;

19 (6) filing an application for a license examination;

20 (7) filing a request for a branch office license;

21 (8) filing a request for a change of place of business,
22 change of name, return to active status, or change of sponsoring
23 broker;

24 (9) filing a request to replace a lost or destroyed

1 license or certificate of registration;

2 (10) filing an application for approval of an
3 education program under Subchapter G;

4 (11) annual operation of an education program under
5 Subchapter G;

6 (12) filing an application for approval of an
7 instructor of core real estate courses;

8 (13) transcript evaluation;

9 (14) preparing a license or registration history;

10 (15) filing an application for a moral character
11 determination; and

12 (16) conducting a criminal history check for issuing
13 or renewing a license.

14 SECTION 2. Section 1101.152(b), Occupations Code, is
15 amended to read as follows:

16 (b) The commission shall adopt rules to set and collect
17 ~~[reasonable]~~ fees in amounts reasonable and necessary to cover the
18 costs of implementing ~~[to implement]~~ the continuing education
19 requirements for license holders, including a fee for:

20 (1) an application for approval of a continuing
21 education provider;

22 (2) an application for approval of a continuing
23 education course of study;

24 (3) an application for approval of an instructor of
25 continuing education courses; and

26 (4) attendance at a program to train instructors of a
27 continuing education course prescribed under Section 1101.455.

1 SECTION 3. Section 1101.153(b), Occupations Code, is
2 amended to read as follows:

3 (b) Of each fee increase collected under Subsection (a):

4 (1) \$50 shall be transmitted to Texas A&M University
5 for deposit in a separate banking account that may be appropriated
6 only to support, maintain, and carry out the purposes, objectives,
7 and duties of Texas Real Estate Research Center;

8 (2) [7] \$50 shall be deposited to the credit of the
9 foundation school fund; and

10 (3) \$100 [~~\$150~~] shall be deposited to the credit of the
11 general revenue fund.

12 SECTION 4. Section 1101.154(a), Occupations Code, is
13 amended to read as follows:

14 (a) The fee for the issuance or renewal of a:

15 (1) broker license is the amount of the fee set under
16 Sections 1101.152 and 1101.153 and an additional \$20 fee;

17 (2) salesperson license is the amount of the fee set
18 under Section 1101.152 and an additional \$20 [~~\$17.50~~] fee; and

19 (3) certificate of registration is the amount of the
20 fee set under Section 1101.152 and an additional \$20 fee.

21 SECTION 5. (a) Except as provided by Subsection (b) of this
22 section, this Act takes effect immediately if it receives a vote of
23 two-thirds of all the members elected to each house, as provided by
24 Section 39, Article III, Texas Constitution. If this Act does not
25 receive the vote necessary for immediate effect, this Act takes
26 effect September 1, 2009.

27 (b) Section 1101.153(b), Occupations Code, as amended by

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1 this Act, takes effect September 1, 2011.