

By: Solomons, Phillips, Hartnett, Thompson,
Gonzales of Williamson

H.B. No. 2177

Substitute the following for H.B. No. 2177:

By: Harless

C.S.H.B. No. 2177

A BILL TO BE ENTITLED

AN ACT

relating to certain claims against persons licensed as real estate
brokers and salespersons.

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

SECTION 1. Section 17.49, Business & Commerce Code, is
amended by adding Subsection (i) to read as follows:

(i) Nothing in this subchapter shall apply to a claim
against a person licensed as a broker or salesperson under Chapter
1101, Occupations Code, arising from an act or omission by the
person while acting as a broker or salesperson, except for a claim
arising from an unconscionable action or course of action that
cannot be characterized as advice, judgment, or opinion.

SECTION 2. Section 17.49(i), Business & Commerce Code, as
added by this Act, applies only to a claim arising from an act or
omission that occurs on or after the effective date of this Act. A
claim arising from an act or omission that occurred before the
effective date of this Act is governed by the law in effect on the
date the act or omission occurred, and the former law is continued
in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2011.