

By: Harper-Brown

H.B. No. 3647

A BILL TO BE ENTITLED

1 AN ACT
2 relating to removing licensing and fee requirements for certain
3 salespersons who sell or lease-purchase or offer to sell or
4 lease-purchase manufactured housing to a consumer.

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

6 SECTION 1. Section 1201.003(17), Occupations Code, is
7 amended to read as follows:

8 (17) "License holder" or "licensee" means a person who
9 holds a department-issued license as a manufacturer, retailer,
10 broker, rebuilder, [~~salesperson,~~] or installer.

11 SECTION 2. Section 1201.056, Occupations Code, is amended
12 to read as follows:

13 Sec. 1201.056. LICENSE FEES. The board shall establish
14 fees for the issuance and renewal of licenses for:

- 15 (1) manufacturers;
16 (2) retailers;
17 (3) brokers;
18 (4) [~~salespersons,~~
19 [~~(5)~~] rebuilders; and
20 (5) [~~(6)~~] installers.

21 SECTION 3. Section 1201.102(d), Occupations Code, is
22 amended to read as follows:

23 (d) A person who holds a real estate broker's [~~or~~
24 ~~salesperson's~~] license under Chapter 1101 may act as a broker [~~or~~

1 ~~salesperson~~] under this chapter without holding a license or filing
2 a bond or other security as required by this chapter if negotiations
3 for the sale, exchange, or lease-purchase of a manufactured home
4 are conducted for a consumer for whom the person is also acting as a
5 real estate broker [~~or salesperson~~] under Chapter 1101 consistent
6 with Section 1201.007.

7 SECTION 4. Section 1201.007, Occupations Code, is amended
8 to read as follows:

9 Sec. 1201.007. EXCEPTION FOR REAL ESTATE BROKERS [~~AND~~
10 ~~SALESPERSONS~~]. This chapter does not:

- 11 (1) modify or amend Chapter 1101 or 1102; or
12 (2) apply to a person who is licensed as a real estate
13 broker [~~or salesperson~~] under Chapter 1101 and who, as agent of a
14 buyer or seller, negotiates the sale or lease of a manufactured home
15 and the real property to which the home is attached if:

16 (A) the same person is the record owner of both
17 the manufactured home and the real property; and

18 (B) the sale or lease occurs in a single real
19 estate transaction.

20 SECTION 5. Sections 1201.104(a) and (b), Occupations Code,
21 are amended to read as follows:

22 (a) Except as provided by Subsection (g), as a requirement
23 for a manufacturer's, retailer's, broker's, installer's, or salvage
24 rebuilder's [~~or salesperson's~~] license, a person who was not
25 licensed or registered with the department or a predecessor agency
26 on September 1, 1987, must, not more than 12 months before applying
27 for the person's first license under this chapter, attend and

1 successfully complete eight hours of instruction in the law,
2 including instruction in consumer protection regulations.

3 (b) Successful [~~Except in the case of an applicant for a~~
4 ~~salesperson's license, successful~~] completion of the course of
5 instruction is a prerequisite to obtaining the license.

6 SECTION 6. Section 1201.610(h), Occupations Code, is
7 amended to read as follows:

8 (h) An order revoking the license of a retailer, broker, or
9 installer[, ~~or salesperson~~] may provide that the person is
10 prohibited, without obtaining prior written consent of the
11 director, from being a related person of a licensee.

12 SECTION 7. The following sections of the Occupations Code
13 are repealed:

- 14 (1) Section 1201.101(f);
- 15 (2) Section 1201.102(c);
- 16 (3) Section 1201.103(d);
- 17 (4) Section 1201.104(c); and
- 18 (5) Section 1201.158.

19 SECTION 8. This Act takes effect September 1, 2013.