

SENATE AMENDMENTS

2nd Printing

By: Kuempel

H.B. No. 2911

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of real estate inspectors; changing fees.

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

SECTION 1. Subchapter C, Chapter 1102, Occupations Code, is amended by adding Section 1102.1051 to read as follows:

Sec. 1102.1051. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE. (a) The commission shall require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints, on a form prescribed by the commission, to the commission or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The commission shall refuse to issue a license to or renew the license of a person who does not comply with the requirement of Subsection (a).

(c) The commission shall conduct a criminal history check of each applicant for a license or renewal of a license using information:

(1) provided by the individual under this section; and

(2) made available to the commission by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

1 (d) The commission may:

2 (1) enter into an agreement with the Department of
3 Public Safety to administer a criminal history check required under
4 this section; and

5 (2) authorize the Department of Public Safety to
6 collect from each applicant the costs incurred by the department in
7 conducting the criminal history check.

8 (e) If the commission requires the use of a designated
9 facility to obtain the set of fingerprints required to be submitted
10 to the commission under this section, an applicant described by
11 Subsection (a) who does not reside within a 25-mile radius of a
12 designated facility may obtain the set of fingerprints from a local
13 law enforcement office.

14 SECTION 2. Section 1102.109, Occupations Code, is amended
15 to read as follows:

16 Sec. 1102.109. ELIGIBILITY FOR PROFESSIONAL INSPECTOR
17 LICENSE. To be eligible for a professional inspector license, an
18 applicant must:

19 (1) at the time of application have:

20 (A) held a real estate inspector license for at
21 least 12 months; and

22 (B) performed at least 175 real estate
23 inspections under indirect supervision;

24 (2) submit evidence satisfactory to the commission of
25 successful completion of at least 40 [~~30~~] classroom hours of core
26 real estate inspection courses, in addition to the hours required
27 by Section 1102.108[~~, and at least eight classroom hours related to~~

~~the study of standards of practice, legal issues, or ethics related to the practice of real estate inspecting];~~

(3) demonstrate competence based on the examination under Subchapter D; and

(4) satisfy the commission as to the applicant's honesty, trustworthiness, integrity, and competence.

SECTION 3. Section 1102.110, Occupations Code, is amended to read as follows:

Sec. 1102.110. ELIGIBILITY OF PREVIOUS LICENSE HOLDERS.

(a) Notwithstanding Section 1102.108, an applicant is eligible for and has satisfied all requirements for a real estate inspector license if the applicant:

(1) held a real estate inspector license during the 24-month period preceding the date the application is filed;

(2) is sponsored by a professional inspector; ~~and~~

(3) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity; and

(4) submit evidence satisfactory to the commission of successful completion of not less than the number of hours of continuing education courses that would have been required for the applicant to renew the license described by Subdivision (1).

(b) Notwithstanding Section 1102.109, an applicant is eligible for and has satisfied all requirements for a professional inspector license if the applicant:

(1) held a professional inspector license during the 24-month period preceding the date the application is filed; ~~and~~

(2) satisfies the commission as to the applicant's

honesty, trustworthiness, and integrity; and

(3) submits evidence satisfactory to the commission of successful completion of not less than the number of hours of continuing education courses that would have been required for the applicant to renew the license described by Subdivision (1).

SECTION 4. Section 1102.111(b), Occupations Code, is amended to read as follows:

(b) Rules adopted under Subsection (a) may not require an applicant to:

(1) complete more than 320 additional ~~[classroom]~~ hours of core real estate inspection courses; or

(2) have more than seven years of relevant experience.

SECTION 5. Section 1102.114, Occupations Code, is amended to read as follows:

Sec. 1102.114. ISSUANCE OF LICENSE. The commission shall issue the appropriate license to an applicant who:

(1) meets the required qualifications; and

(2) submits ~~[pays the fee required by Section 1102.352(a), and~~

~~[(3) offers]~~ proof of financial responsibility as required by Section 1102.1141 ~~[that the applicant carries liability insurance with a minimum limit of \$100,000 per occurrence to protect the public against a violation of Subchapter C].~~

SECTION 6. Subchapter C, Chapter 1102, Occupations Code, is amended by adding Section 1102.1141 to read as follows:

Sec. 1102.1141. FINANCIAL RESPONSIBILITY REQUIREMENT. (a) An inspector must maintain financial responsibility in the form of:

1 (1) a liability insurance policy with a minimum limit
2 of \$100,000 per occurrence and an aggregate annual total of at least
3 \$100,000, and that:

4 (A) is written by an insurer authorized to engage
5 in the business of insurance in this state, a risk retention group
6 as defined by Chapter 2201, Insurance Code, or an eligible surplus
7 lines insurer, as defined by Section 981.002, Insurance Code; and

8 (B) specifically provides for professional
9 liability coverage to protect the public against a violation of
10 Subchapter G; or

11 (2) a bond or other security accepted by the
12 commission.

13 (b) A bond posted as security under Subsection (a)(2) must:

14 (1) be issued by a carrier admitted in this state;

15 (2) be in an amount not less than \$100,000;

16 (3) be continuous; and

17 (4) be cancellable by the surety only after the surety
18 has provided at least 90 days' written notice to the commission
19 before the effective date of the cancellation.

20 (c) Any security provided under this section in a form other
21 than a bond must be convertible to cash by the commission for the
22 benefit of a person who contracts with an inspector in this state,
23 without requiring approval of a court, if the commission determines
24 that the inspector has violated Subchapter G. Any amount remaining
25 after an inspector's license has expired shall be returned to the
26 inspector not later than the 180th day after the date the license
27 expires.

1 (d) An inspector who posts a bond or other security under
2 this section must designate an unaffiliated third party to handle
3 the processing of any claim regarding the bond or other security.

4 SECTION 7. Section 1102.118, Occupations Code, is amended
5 to read as follows:

6 Sec. 1102.118. CONTACT INFORMATION [~~CHANGE OF ADDRESS~~].

7 (a) An inspector shall provide the commission with a current
8 mailing address, telephone number, and, if available, e-mail
9 address.

10 (b) Not later than the 30th day after the date of a change in
11 the mailing address, telephone number, or e-mail address of an
12 inspector [~~changes the inspector's place of business~~], the
13 inspector shall notify the commission of the change and pay any
14 [~~the~~] required fee.

15 SECTION 8. Section 1102.153, Occupations Code, is amended
16 to read as follows:

17 Sec. 1102.153. DEADLINE FOR COMPLETION. A license
18 applicant who does not satisfy the examination requirement before
19 the first anniversary of [~~within six months after~~] the date the
20 application is filed must submit a new application and pay another
21 examination fee to be eligible for examination.

22 SECTION 9. Section 1102.155(b), Occupations Code, is
23 amended to read as follows:

24 (b) An applicant who fails the examination three
25 consecutive times [~~in connection with the same application~~] may not
26 apply for reexamination or submit a new license application unless
27 [~~before six months~~] after the date of the third failed examination

1 the applicant completes additional educational requirements as
2 prescribed by the commission and submits evidence satisfactory to
3 the commission of successful completion of those requirements.

4 SECTION 10. Section 1102.202, Occupations Code, is amended
5 to read as follows:

6 Sec. 1102.202. NOTICE OF LICENSE EXPIRATION. Not later
7 than the 31st day before the expiration date of a person's license,
8 the commission shall provide notice of the expiration ~~[send]~~ to the
9 person ~~[at the person's last known address according to the~~
10 ~~commission's records written notice of the license expiration]~~.

11 SECTION 11. Section 1102.203, Occupations Code, is amended
12 to read as follows:

13 Sec. 1102.203. RENEWAL OF LICENSE; INFORMATION REQUIRED.

14 (a) A person may renew an unexpired license by paying the required
15 renewal fee to the commission before the expiration date of the
16 license and providing proof of financial responsibility ~~[liability~~
17 ~~insurance]~~ as required by Section 1102.1141 ~~[1102.114(3)]~~.

18 (a-1) A person whose license has been expired for 90 days or
19 less may renew the license by paying to the commission a fee equal
20 to 1-1/2 times the required renewal fee. If a license has been
21 expired for more than 90 days but less than six months, the person
22 may renew the license by paying to the commission a fee equal to two
23 times the required renewal fee.

24 (b) If the person's license has been expired for six months
25 or longer ~~[expires]~~, the person may not renew the license. The
26 person may obtain a new license by submitting to reexamination, if
27 required, and complying with the requirements and procedures for

obtaining an original license.

(c) Each applicant for renewal of a license must disclose to the commission whether the applicant has:

(1) entered a plea of guilty or nolo contendere to a felony; or

(2) been convicted of a felony and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal.

(d) The disclosure under Subsection (c) must be provided even if an order has granted community supervision suspending the imposition of the sentence.

SECTION 12. Section 1102.402(c), Occupations Code, is amended to read as follows:

(c) A person is not eligible for a license until the person has reimbursed the commission ~~[repaid]~~ in full for any ~~[the]~~ amount paid on the person's behalf from the real estate inspection recovery fund or the real estate recovery trust account under Subchapter M, Chapter 1101 ~~[on the person's account]~~, plus interest at the legal rate.

SECTION 13. Section 1102.403(b), Occupations Code, is amended to read as follows:

(b) An administrative penalty collected under this section ~~[for a violation by an inspector]~~ shall be deposited to the credit of the general revenue ~~[real estate inspection recovery]~~ fund and shall offset any amount required to be remitted to the general revenue fund by the commission. ~~[A penalty collected under this section for a violation by a person who is not licensed under this~~

~~chapter or Chapter 1101 shall be deposited to the credit of the real estate recovery trust account or the real estate inspection recovery fund, as determined by the commission.]~~

SECTION 14. Section 1101.603(d), Occupations Code, is amended to read as follows:

(d) An administrative penalty collected under Subchapter O for a violation by a person who is not licensed under this chapter or Chapter 1102 shall be deposited to the credit of the trust account ~~[or the real estate inspection recovery fund, as determined by the commission]~~.

SECTION 15. The following laws are repealed:

(1) Sections 1102.252 and 1102.253, Occupations Code; and

(2) Subchapter H, Chapter 1102, Occupations Code.

SECTION 16. (a) In this section:

(1) "Commission" means the Texas Real Estate Commission.

(2) "Eligible inspector" means a person who holds a real estate inspector license or professional inspector license under Chapter 1102, Occupations Code, as of September 1, 2013.

(b) Not later than August 31, 2015, the commission shall transfer not less than \$300,000 from the real estate inspection recovery fund to the general revenue fund.

(c) Not later than November 1, 2017, the commission shall determine the remaining liability of the real estate inspection recovery fund based on any pending claims for payment under former Subchapter H, Chapter 1102, Occupations Code.

1 (d) After determining the remaining liability under
2 Subsection (c) of this section, the commission shall refund to each
3 eligible inspector a portion of the amount in excess of the
4 remaining liability of the real estate inspection recovery fund, if
5 the eligible inspector holds a license issued under Chapter 1102,
6 Occupations Code, as of the date of the refund. A refund under this
7 subsection may not exceed \$100 per person.

8 (e) The commission shall transfer any money remaining in the
9 real estate inspection recovery fund to the general revenue fund
10 after paying all claims for payment from the fund and issuing
11 refunds under Subsection (d) of this section.

12 (f) Any money transferred to the general revenue fund under
13 this section shall offset any amount required to be remitted to the
14 general revenue fund by the commission.

15 SECTION 17. (a) Sections 1102.1051 and 1102.1141,
16 Occupations Code, as added by this Act, and Sections 1102.109,
17 1102.110, 1102.111, 1102.114, 1102.153, 1102.155, and 1102.402,
18 Occupations Code, as amended by this Act, apply only to an
19 application for an inspector license submitted to the Texas Real
20 Estate Commission on or after the effective date of this Act. An
21 application for a license submitted before that date is governed by
22 the law in effect on the date the application was submitted, and the
23 former law is continued in effect for that purpose.

24 (b) Sections 1102.203 and 1102.402, Occupations Code, as
25 amended by this Act, and Sections 1102.1051 and 1102.1141,
26 Occupations Code, as added by this Act, apply only to the renewal of
27 an inspector license that expires on or after the effective date of

1 this Act. A license that expires before that date is governed by
2 the law in effect on the date the license expires, and the former
3 law is continued in effect for that purpose.

4 (c) Sections 1102.403 and 1101.603, Occupations Code, as
5 amended by this Act, apply only to an administrative penalty that is
6 collected on or after the effective date of this Act. An
7 administrative penalty that is collected before the effective date
8 of this Act is governed by the law in effect on the date the
9 administrative penalty was collected, and the former law is
10 continued in effect for that purpose.

11 (d) A claim for payment from the real estate inspection
12 recovery fund under former Section 1102.355, Occupations Code, for
13 a cause of action that accrues before September 1, 2013, must be
14 filed before September 1, 2017.

15 SECTION 18. This Act takes effect September 1, 2013.

ADOPTED

MAY 20 2013

Atty. Gen.
Secretary of the Senate

By: Kuempel
Larry Taylor

H.B. No. 2911

Substitute the following for H.B. No. 2911:

By: Taylor

C.S. H.B. No. 2911

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of real estate inspectors; changing fees.

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

SECTION 1. Subchapter C, Chapter 1102, Occupations Code, is amended by adding Section 1102.1051 to read as follows:

Sec. 1102.1051. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE. (a) The commission shall require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints, on a form prescribed by the commission, to the commission or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The commission shall refuse to issue a license to or renew the license of a person who does not comply with the requirement of Subsection (a).

(c) The commission shall conduct a criminal history check of each applicant for a license or renewal of a license using information:

(1) provided by the individual under this section; and
(2) made available to the commission by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

1 (d) The commission may:

2 (1) enter into an agreement with the Department of
3 Public Safety to administer a criminal history check required under
4 this section; and

5 (2) authorize the Department of Public Safety to
6 collect from each applicant the costs incurred by the department in
7 conducting the criminal history check.

8 SECTION 2. Section 1102.109, Occupations Code, is amended
9 to read as follows:

10 Sec. 1102.109. ELIGIBILITY FOR PROFESSIONAL INSPECTOR
11 LICENSE. To be eligible for a professional inspector license, an
12 applicant must:

13 (1) at the time of application have:

14 (A) held a real estate inspector license for at
15 least 12 months; and

16 (B) performed at least 175 real estate
17 inspections under indirect supervision;

18 (2) submit evidence satisfactory to the commission of
19 successful completion of at least 40 ~~[30]~~ classroom hours of core
20 real estate inspection courses, in addition to the hours required
21 by Section 1102.108~~[, and at least eight classroom hours related to~~
22 ~~the study of standards of practice, legal issues, or ethics related~~
23 ~~to the practice of real estate inspecting];~~

24 (3) demonstrate competence based on the examination
25 under Subchapter D; and

26 (4) satisfy the commission as to the applicant's
27 honesty, trustworthiness, integrity, and competence.

1 SECTION 3. Section 1102.110, Occupations Code, is amended
2 to read as follows:

3 Sec. 1102.110. ELIGIBILITY OF PREVIOUS LICENSE HOLDERS.

4 (a) Notwithstanding Section 1102.108, an applicant is eligible
5 for and has satisfied all requirements for a real estate inspector
6 license if the applicant:

7 (1) held a real estate inspector license during the
8 24-month period preceding the date the application is filed;

9 (2) is sponsored by a professional inspector; ~~and~~

10 (3) satisfies the commission as to the applicant's
11 honesty, trustworthiness, and integrity; and

12 (4) submits evidence satisfactory to the commission of
13 successful completion of not less than the number of hours of
14 continuing education courses that would have been required for the
15 applicant to renew the license described by Subdivision (1).

16 (b) Notwithstanding Section 1102.109, an applicant is
17 eligible for and has satisfied all requirements for a professional
18 inspector license if the applicant:

19 (1) held a professional inspector license during the
20 24-month period preceding the date the application is filed; ~~and~~

21 (2) satisfies the commission as to the applicant's
22 honesty, trustworthiness, and integrity; and

23 (3) submits evidence satisfactory to the commission of
24 successful completion of not less than the number of hours of
25 continuing education courses that would have been required for the
26 applicant to renew the license described by Subdivision (1).

27 SECTION 4. Section 1102.111(b), Occupations Code, is

1 amended to read as follows:

2 (b) Rules adopted under Subsection (a) may not require an
3 applicant to:

4 (1) complete more than 320 additional [~~classroom~~]
5 hours of core real estate inspection courses; or

6 (2) have more than seven years of relevant experience.

7 SECTION 5. Section 1102.114, Occupations Code, is amended
8 to read as follows:

9 Sec. 1102.114. ISSUANCE OF LICENSE. The commission shall
10 issue the appropriate license to an applicant who:

11 (1) meets the required qualifications; and

12 (2) submits [~~pays the fee required by Section~~
13 ~~1102.352(a), and~~

14 [~~(3) offers~~] proof of financial responsibility as
15 required by Section 1102.1141 [~~that the applicant carries liability~~
16 ~~insurance with a minimum limit of \$100,000 per occurrence to~~
17 ~~protect the public against a violation of Subchapter G].~~

18 SECTION 6. Subchapter C, Chapter 1102, Occupations Code, is
19 amended by adding Section 1102.1141 to read as follows:

20 Sec. 1102.1141. FINANCIAL RESPONSIBILITY REQUIREMENT. (a)
21 An inspector must maintain financial responsibility in the form of:

22 (1) a liability insurance policy with a minimum limit
23 of \$100,000 per occurrence and an aggregate annual total of at least
24 \$100,000, and that:

25 (A) is written by an insurer authorized to engage
26 in the business of insurance in this state, a risk retention group
27 as defined by Chapter 2201, Insurance Code, or an eligible surplus

1 lines insurer, as defined by Section 981.002, Insurance Code; and

2 (B) specifically provides for professional
3 liability coverage to protect the public against a violation of
4 Subchapter G; or

5 (2) a bond or other security accepted by the
6 commission.

7 (b) A bond posted as security under Subsection (a)(2) must:

8 (1) be issued by a carrier admitted in this state;

9 (2) be in an amount not less than \$100,000;

10 (3) be continuous; and

11 (4) be cancellable by the surety only after the surety
12 has provided at least 90 days' written notice to the commission
13 before the effective date of the cancellation.

14 (c) Any security provided under this section in a form other
15 than a bond must be convertible to cash by the commission for the
16 benefit of a person who contracts with an inspector in this state,
17 without requiring approval of a court, if the commission determines
18 that the inspector has violated Subchapter G. Any amount remaining
19 after an inspector's license has expired shall be returned to the
20 inspector not later than the 180th day after the date the license
21 expires.

22 (d) An inspector who posts a bond or other security under
23 this section must designate an unaffiliated third party to handle
24 the processing of any claim regarding the bond or other security.

25 SECTION 7. Section 1102.118, Occupations Code, is amended
26 to read as follows:

27 Sec. 1102.118. CONTACT INFORMATION [~~CHANGE OF ADDRESS~~].

1 (a) An inspector shall provide the commission with a current
2 mailing address, telephone number, and, if available, e-mail
3 address.

4 (b) Not later than the 30th day after the date of a change in
5 the mailing address, telephone number, or e-mail address of an
6 inspector [~~changes the inspector's place of business~~], the
7 inspector shall notify the commission of the change and pay any
8 [~~the~~] required fee.

9 SECTION 8. Section 1102.153, Occupations Code, is amended
10 to read as follows:

11 Sec. 1102.153. DEADLINE FOR COMPLETION. A license
12 applicant who does not satisfy the examination requirement before
13 the first anniversary of [~~within six months after~~] the date the
14 application is filed must submit a new application and pay another
15 examination fee to be eligible for examination.

16 SECTION 9. Section 1102.155(b), Occupations Code, is
17 amended to read as follows:

18 (b) An applicant who fails the examination three
19 consecutive times [~~in connection with the same application~~] may not
20 apply for reexamination or submit a new license application unless
21 [~~before six months~~] after the date of the third failed examination
22 the applicant completes additional educational requirements as
23 prescribed by the commission and submits evidence satisfactory to
24 the commission of successful completion of those requirements.

25 SECTION 10. Section 1102.202, Occupations Code, is amended
26 to read as follows:

27 Sec. 1102.202. NOTICE OF LICENSE EXPIRATION. Not later

1 than the 31st day before the expiration date of a person's license,
2 the commission shall provide notice of the expiration ~~[send]~~ to the
3 person ~~[at the person's last known address according to the~~
4 ~~commission's records written notice of the license expiration]~~.

5 SECTION 11. Section 1102.203, Occupations Code, is amended
6 to read as follows:

7 Sec. 1102.203. RENEWAL OF LICENSE; INFORMATION REQUIRED.

8 (a) A person may renew an unexpired license by paying the required
9 renewal fee to the commission before the expiration date of the
10 license and providing proof of financial responsibility ~~[liability~~
11 ~~insurance]~~ as required by Section 1102.1141 ~~[1102.114(3)]~~.

12 (a-1) A person whose license has been expired for 90 days or
13 less may renew the license by paying to the commission a fee equal
14 to 1-1/2 times the required renewal fee. If a license has been
15 expired for more than 90 days but less than six months, the person
16 may renew the license by paying to the commission a fee equal to two
17 times the required renewal fee.

18 (b) If the person's license has been expired for six months
19 or longer ~~[expires]~~, the person may not renew the license. The
20 person may obtain a new license by submitting to reexamination, if
21 required, and complying with the requirements and procedures for
22 obtaining an original license.

23 (c) Each applicant for renewal of a license must disclose to
24 the commission whether the applicant has:

25 (1) entered a plea of guilty or nolo contendere to a
26 felony; or

27 (2) been convicted of a felony and the time for appeal

1 has elapsed or the judgment or conviction has been affirmed on
2 appeal.

3 (d) The disclosure under Subsection (c) must be provided
4 even if an order has granted community supervision suspending the
5 imposition of the sentence.

6 SECTION 12. Section 1102.402(c), Occupations Code, is
7 amended to read as follows:

8 (c) A person is not eligible for a license until the person
9 has reimbursed the commission ~~[repaid]~~ in full for any ~~[the]~~ amount
10 paid on the person's behalf from the real estate inspection
11 recovery fund or the real estate recovery trust account under
12 Subchapter M, Chapter 1101 ~~[on the person's account]~~, plus interest
13 at the legal rate.

14 SECTION 13. Section 1102.403(b), Occupations Code, is
15 amended to read as follows:

16 (b) An administrative penalty collected under this section
17 ~~[for a violation by an inspector]~~ shall be deposited to the credit
18 of the general revenue ~~[real estate inspection recovery]~~ fund and
19 shall offset any amount required to be remitted to the general
20 revenue fund by the commission. ~~[A penalty collected under this~~
21 ~~section for a violation by a person who is not licensed under this~~
22 ~~chapter or Chapter 1101 shall be deposited to the credit of the real~~
23 ~~estate recovery trust account or the real estate inspection~~
24 ~~recovery fund, as determined by the commission.]~~

25 SECTION 14. Section 1101.603(d), Occupations Code, is
26 amended to read as follows:

27 (d) An administrative penalty collected under Subchapter O

1 for a violation by a person who is not licensed under this chapter
2 or Chapter 1102 shall be deposited to the credit of the trust
3 account [~~or the real estate inspection recovery fund, as determined~~
4 ~~by the commission~~].

5 SECTION 15. The following laws are repealed:

6 (1) Sections 1102.252 and 1102.253, Occupations Code;
7 and

8 (2) Subchapter H, Chapter 1102, Occupations Code.

9 SECTION 16. (a) In this section:

10 (1) "Commission" means the Texas Real Estate
11 Commission.

12 (2) "Eligible inspector" means a person who holds a
13 real estate inspector license or professional inspector license
14 under Chapter 1102, Occupations Code, as of September 1, 2013.

15 (b) Not later than August 31, 2015, the commission shall
16 transfer not less than \$300,000 from the real estate inspection
17 recovery fund to the general revenue fund.

18 (c) Not later than November 1, 2017, the commission shall
19 determine the remaining liability of the real estate inspection
20 recovery fund based on any pending claims for payment under former
21 Subchapter H, Chapter 1102, Occupations Code.

22 (d) After determining the remaining liability under
23 Subsection (c) of this section, the commission shall refund to each
24 eligible inspector a portion of the amount in excess of the
25 remaining liability of the real estate inspection recovery fund, if
26 the eligible inspector holds a license issued under Chapter 1102,
27 Occupations Code, as of the date of the refund. A refund under this

1 subsection may not exceed \$100 per person.

2 (e) The commission shall transfer any money remaining in the
3 real estate inspection recovery fund to the general revenue fund
4 after paying all claims for payment from the fund and issuing
5 refunds under Subsection (d) of this section.

6 (f) Any money transferred to the general revenue fund under
7 this section shall offset any amount required to be remitted to the
8 general revenue fund by the commission.

9 SECTION 17. (a) Sections 1102.1051 and 1102.1141,
10 Occupations Code, as added by this Act, and Sections 1102.109,
11 1102.110, 1102.111, 1102.114, 1102.153, 1102.155, and 1102.402,
12 Occupations Code, as amended by this Act, apply only to an
13 application for an inspector license submitted to the Texas Real
14 Estate Commission on or after the effective date of this Act. An
15 application for a license submitted before that date is governed by
16 the law in effect on the date the application was submitted, and the
17 former law is continued in effect for that purpose.

18 (b) Sections 1102.203 and 1102.402, Occupations Code, as
19 amended by this Act, and Sections 1102.1051 and 1102.1141,
20 Occupations Code, as added by this Act, apply only to the renewal of
21 an inspector license that expires on or after the effective date of
22 this Act. A license that expires before that date is governed by
23 the law in effect on the date the license expires, and the former
24 law is continued in effect for that purpose.

25 (c) Sections 1102.403 and 1101.603, Occupations Code, as
26 amended by this Act, apply only to an administrative penalty that is
27 collected on or after the effective date of this Act. An

1 administrative penalty that is collected before the effective date
2 of this Act is governed by the law in effect on the date the
3 administrative penalty was collected, and the former law is
4 continued in effect for that purpose.

5 (d) A claim for payment from the real estate inspection
6 recovery fund under former Section 1102.355, Occupations Code, for
7 a cause of action that accrues before September 1, 2013, must be
8 filed before September 1, 2017.

9 SECTION 18. This Act takes effect September 1, 2013.

ADOPTED

MAY 20 2013

FLOOR AMENDMENT NO. _____

Larry Spaw
Secretary of the Senate

By: *Larry Taylor*

1 Amend C.S.H.B. 2911 (senate committee printing) as follows:

2 (1) In SECTION 4 of the bill, in amended Section
3 1102.111(b), Occupations Code (page 2, line 42), strike "or" and
4 substitute "[~~or~~]".

5 (2) In SECTION 4 of the bill, strike Section
6 1102.111(b)(2), Occupations Code (page 2, line 43), and
7 substitute the following:

8 (2) complete more than 40 hours of field work, if the
9 applicant completes correspondence or other course provided by
10 alternative means; or

11 (3) have more than seven years of relevant experience.

12 (3) In SECTION 5 of the bill, strike Sections 1102.114(1),
13 (2), and (3), Occupations Code (page 2, lines 48 through 54),
14 and substitute the following:

15 (1) meets the required qualifications;

16 (2) pays the fee required by Section 1102.352(a); and

17 (3) submits [~~offers~~] proof of financial responsibility
18 as required by Section 1102.1141 [~~that the applicant carries~~
19 liability insurance with a minimum limit of \$100,000 per
20 occurrence to protect the public against a violation of
21 Subchapter G].

22 (4) Strike SECTION 13 of the bill, amending Section
23 1102.403(b), Occupations Code (page 4, lines 21 through 31).

24 (5) Strike SECTION 14 of the bill, amending Section
25 1101.603(d), Occupations Code (page 4, lines 32 through 38).

26 (6) Strike SECTION 15 of the bill (page 4, lines 39
27 through 42) and substitute the following appropriately numbered
28 SECTION:

29 SECTION ____ Sections 1102.252 and 1102.253, Occupations

1 Code, are repealed.

2 (7) Strike SECTION 16 of the bill (page 4, lines 43
3 through 69).

4 (8) Strike SECTIONS 17(c) and (d) of the bill (page 5,
5 lines 17 through 27).

6 (9) Renumber the SECTIONS of the bill appropriately.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2911 by Kuempel (Relating to the regulation of real estate inspectors; changing fees.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of real estate inspectors. Based on information provided by the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The fiscal impact that may be generated in association with implementing the provisions of the bill for the Real Estate Commission is not considered in this analysis because any fiscal impact for the agency would be realized outside the Treasury due to the agency being Self-Directed and Semi-Independent.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 329 Real Estate Commission, 304 Comptroller of Public Accounts, 405
Department of Public Safety

LBB Staff: UP, RB, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2911 by Kuempel (Relating to the regulation of real estate inspectors; changing fees.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of real estate inspectors. Based on information provided by the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The fiscal impact that may be generated in association with implementing the provisions of the bill for the Real Estate Commission is not considered in this analysis because any fiscal impact for the agency would be realized outside the Treasury due to the agency being Self-Directed and Semi-Independent.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 329 Real Estate Commission, 304 Comptroller of Public Accounts, 405
Department of Public Safety

LBB Staff: UP, NV, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2911 by Kuempel (Relating to the regulation of real estate inspectors; changing fees.),
As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of real estate inspectors. Based on information provided by the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The fiscal impact that may be generated in association with implementing the provisions of the bill for the Real Estate Commission is not considered in this analysis because any fiscal impact for the agency would be realized outside the Treasury due to the agency being Self-Directed and Semi-Independent.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 329 Real Estate Commission, 304 Comptroller of Public Accounts, 405
Department of Public Safety

LBB Staff: UP, NV, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 11, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2911 by Kuempel (Relating to the regulation of real estate inspectors; changing fees.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the regulation of real estate inspectors. Based on information provided by the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The fiscal impact that may be generated in association with implementing the provisions of the bill for the Real Estate Commission is not considered in this analysis because any fiscal impact for the agency would be realized outside the Treasury due to the agency being Self-Directed and Semi-Independent.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 329 Real Estate Commission, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, NV, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2911 by Kuempel (Relating to the regulation of real estate inspectors.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Occupations Code relating to the regulation of real estate inspectors. Based on information provided by the Real Estate Commission, the Department of Public Safety and the Comptroller of Public Accounts, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 329 Real Estate Commission, 405 Department of Public Safety

LBB Staff: UP, RB, NV