

By: Perry

S.B. No. 1712

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the purchase, sale, or lease of real property.

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

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

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

8 (1) an attorney licensed in this state;

9 (2) an attorney-in-fact authorized under a power of
10 attorney to conduct not more than three real estate transactions
11 annually;

12 (3) a public official while engaged in official
13 duties;

14 (4) an auctioneer licensed under Chapter 1802 while
15 conducting the sale of real estate by auction if the auctioneer does
16 not perform another act of a broker;

17 (5) a person conducting a real estate transaction
18 under a court order or the authority of a will or written trust
19 instrument;

20 (6) a person employed by an owner in the sale of
21 structures and land on which structures are located if the
22 structures are erected by the owner in the course of the owner's
23 business;

24 (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; [~~or~~]

3 (9) a transaction involving:

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

6 (B) the sale, lease, or transfer of a cemetery
7 lot;

8 (C) the lease or management of a hotel or motel;
9 or

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

12 (10) the purchase, sale, or lease of real property for
13 a limited partnership by:

14 (A) a general partner of the limited partnership;

15 (B) an employee of the general partner who
16 negotiates the transaction in the course of employment; or

17 (C) an employee of the limited partnership who
18 negotiates the transaction in the course of employment; or

19 (11) the purchase, sale, or lease of real property for
20 a limited liability company by:

21 (A) a manager or managing member of the limited
22 liability company;

23 (B) an employee of a manager or managing member
24 who negotiates the transaction in the course of employment; or

25 (C) an employee or member of the limited
26 liability company who negotiates the transaction in the course of
27 employment.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.