

By: Darby

H.B. No. 2349

Substitute the following for H.B. No. 2349:

By: Phelan

C.S.H.B. No. 2349

A BILL TO BE ENTITLED

AN ACT

relating to exempting certain transactions from regulation by the Texas Real Estate Commission.

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

SECTION 1. Section 1101.002, Occupations Code, is amended by adding Subdivisions (4-a), (4-b), and (9) to read as follows:

(4-a) "Mineral" has the meaning assigned by Section 75.001, Property Code. The term includes oil, gas, related hydrocarbons, coal, lignite, uranium, and substances classified as base, industrial, precious, or strategic minerals.

(4-b) "Other energy source" means a natural resource other than water or a mineral that is necessary to produce energy, including geothermal, nuclear, solar, and wind energy.

(9) "Water" means:

(A) diffused surface water;

(B) groundwater, as defined by Section 36.001, Water Code; or

(C) state water, as described by Section 11.021(a), Water Code.

SECTION 2. Section 1101.005, Occupations Code, is amended to read as follows:

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

(1) an attorney licensed in this state;

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

4 (3) a public official while engaged in official
5 duties;

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

9 (5) a person conducting a real estate transaction
10 under a court order or the authority of a will or written trust
11 instrument;

12 (6) a person employed by an owner in the sale of
13 structures and land on which structures are located if the
14 structures are erected by the owner in the course of the owner's
15 business;

16 (7) an on-site manager of an apartment complex;

17 (8) an owner or the owner's employee who leases the
18 owner's improved or unimproved real estate; ~~[or]~~

19 (9) a transaction involving:

20 (A) the sale, lease, or transfer of a real
21 property interest in:

22 (i) minerals, mining, or a quarry;

23 (ii) standing timber; or

24 (iii) other energy sources ~~[mineral or~~
25 ~~mining interest in real property]~~;

26 (B) the sale, lease, or transfer of a cemetery
27 lot;

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

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

(10) the sale, lease, or transfer of real estate owned
or leased by or being acquired by or leased to a limited partnership
by:

(A) a general partner of the limited partnership;

(B) an employee of a general partner of the
limited partnership who negotiates the transaction in the course of
employment; or

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

(11) the sale, lease, or transfer of real estate owned
or leased by or being acquired by or leased to a limited liability
company by:

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

(B) an employee of a manager or managing member
of the limited liability company who negotiates the transaction in
the course of employment; or

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

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

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2025.