

By: Darby

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) and (4-b) 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 a mineral that is necessary to produce energy, including geothermal, hydroelectric, nuclear, solar, and wind energy.

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;

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

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

(4) an auctioneer licensed under Chapter 1802 while

conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker;

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

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

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

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

(9) a transaction involving:

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

(i) minerals, mining, or a quarry;

(ii) water;

(iii) standing timber; or

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

(B) the sale, lease, or transfer of a cemetery 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 for a

1 limited partnership by:

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

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

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

8 (11) the sale, lease, or transfer of real estate for a  
9 limited liability company by:

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

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

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

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2025.