



**ADOPTED RULE ACTION FROM
AUGUST 13, 2012 MEETING OF THE COMMISSION
Chapter 534. General Administration.
§534.2 Processing Fees for Dishonored Payments**

The Texas Real Estate Commission (TREC) adopts an amendment to §534.2 regarding Processing Fees for Dishonored Payments with changes to the rule as published in the June 1, 2012, issue of the *Texas Register* (37 TexReg 3977). The difference between the rule as adopted and as proposed is the replacement of the term “business” with “mailing” in subsection (a) to be consistent with the phrase “mailing address” as used in Chapters 533 and 535. Also in subsection (a) a correction to a reference was made. The amendment removes the reference to the processed check fee because the fee will be reflected in amendments to §535.101. The effective date for the amendments is January 1, 2013.

No comments were received on the rule as proposed. The reasoned justification for the rule is consistency between 22 TAC Chapter 534 and Chapter 535.

The revision to the rule as adopted does not change the nature or scope so much that they could be deemed a different rule. The rule as adopted does not affect individuals other than those contemplated by the rule as proposed. The rule as adopted does not impose more onerous requirements than the proposed rule.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its licensees to fulfill the purposes of chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The statutes affected by this adoption are Texas Occupations Code, Chapter 1101 and Chapter 1102. No other statute, code or article is affected by the amendments.

§534.2 Processing Fees for Dishonored Payments.

(a) If a payment to the commission is dishonored by a payor, the commission shall charge the fee to the drawer or endorser for processing the dishonored payment required by §535.101(b)(23) of this title (relating to Fees). The commission shall notify the drawer or endorser of the fee by sending a request for payment of the dishonored payment and the processing fee by certified mail to the last known mailing address of the person as shown in the records of the commission. If the commission has sent a request for payment in accordance with the provisions of this section, the failure of the drawer or endorser to pay the processing fee within 15 days after the commission has mailed the request is a violation of this section.

(b) Collection of the fee imposed under this section does not preclude the commission from proceeding under Texas Occupations Code, §1101.652(a)(4), against a licensee who has within a reasonable time failed to make good a payment issued to the commission.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 20, 2012.

TRD No. 201204404
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Texas Real Estate Commission
Effective date: January 1, 2013