

***Texas Real Estate Commission  
Chapter 535, General Provisions  
Rules Adopted at the August 17, 2009 Meeting***

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**Subchapter J. Fees  
§535.101 Fees**

The Texas Real Estate Commission (TREC) adopts amendments to §535.101 regarding Fees with changes to the proposed text as published in the June 26, 2009 issue of the *Texas Register* (34 TexReg 4275). The proposed amendments to the accreditation and renewal fee rules for education programs were not adopted by the Commission because rules regarding the calculation and publication of exam passage rates and change to a two-year accreditation to facilitate the passage rate statutory requirements to which the fee rules were related were not adopted.

In not adopting unrelated parts of the proposed amendments, the revisions to the rules as adopted do not change the nature or scope so much that they could be deemed different rules. The rules as adopted do not affect individuals other than those contemplated by the rules as proposed. The rules as adopted do not impose more onerous requirements than the proposed version and do not materially alter the issues raised in the proposed rules. Changes in the adopted rules respond to public comments.

The adopted amendments increase the salesperson and broker annual renewal fees from \$30 to \$34; late renewal fee from \$45 to \$51 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less; and late renewal fee from \$60 to \$68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than one year. The 81st Legislature in the 2010-2011 General Appropriations Act and riders thereto approved budget appropriations for the commission contingent on those appropriations being paid through fee collections. The amendments permit TREC to raise the necessary revenue to offset the additional costs incurred by the commission to implement new

programs required by laws passed by the 81st Legislature (2009).

The reasoned justification for these amendments is to generate sufficient revenue to fund appropriations by the 81st Legislature.

No comments were received regarding the amendments as proposed.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to ensure compliance with the provisions of the Act.

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

***§535.101.Fees.***

(a) Fees for the issuance of a license due to a change of address, additional place of business or change of sponsoring broker are due when requests for such licenses are received. A change of address or name submitted with an application to renew a license, however, does not require payment of a fee in addition to the fee for renewing the license. If the commission receives a request for issuance of a license certificate which requires payment of a fee, and appropriate fee was not filed with the request, the commission shall return the request and notify the person filing the request that the person must pay the fee before the certificate will be issued. The commission may require written proof of a licensee's right to use a different name prior to issuing a license certificate reflecting a change of name. As used in this section, the term "license" includes a certificate of registration.

(b) The commission shall charge and collect the following fees:

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(1) a fee not to exceed \$75 for the filing of an original application for a real estate broker license;

(2) a fee of \$34 for annual renewal of a real estate broker license;

(3) a fee of \$75 for the filing of an original application for a real estate salesperson license;

(4) a fee of \$34 for annual renewal of a real estate salesperson license;

(5) a fee of \$61 for taking a license examination;

(6) a fee of \$20 for filing a request for a license for each additional office or place of business;

(7) a fee of \$20 for filing a request for a license for a change of place of business change of name, return to active status or change of sponsoring broker;

(8) a fee of \$20 for filing a request to replace a license lost or destroyed;

(9) a fee of \$400 for filing an application for accreditation of an education program under Texas Occupations Code (the Act), §1101.301;

(10) a fee of \$200 a year for operation of a real estate education program under the Act, §1101.301;

(11) a fee of \$30 for transcript evaluation;

(12) a fee of \$20 for preparing a license history;

(13) a fee of \$25 for the filing of an application for a moral character determination;

(14) a fee of \$25 for the filing of an instructor application;

(15) a fee of \$51 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less;

(16) a fee of \$68 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been

expired more than 90 days but less than one year;

(17) the fee charged by the Federal Bureau of Investigation for a national criminal history check in connection with a license renewal; and

(18) a late reporting fee of \$250 to reactivate a license under §535.92(f) of this chapter.

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

Issued in Austin, Texas, on August 24, 2009

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Loretta R. DeHay

Interim Administrator and General Counsel

Texas Real Estate Commission

Effective date: November 1, 2009