

Texas Real Estate Commission
Chapter 535, General Provisions
Rules Adopted at the October 10, 2011 Commission Meeting

Subchapter C. Exemptions from Licensure
§535.31

The Texas Real Estate Commission adopts amendments to 22 TAC §535.31, regarding Attorneys at Law, without changes to the proposed text as published in the August 19, 2011, issue of the *Texas Register* (36 TexReg 5184).

The amendments implement and explain the requirements of Senate Bill 747, 82nd Texas Legislature, Regular Session (2011). In part, Senate Bill 747 amended Texas Occupations Code, §1101.005 regarding an exemption for attorneys. The amendment now exempts attorneys licensed in the State of Texas; it previously applied to attorneys licensed in any state. Because the effective date of the relevant provisions of Senate Bill 747 is September 1, 2011, the commission simultaneously took emergency action to amend §535.31 to be consistent with Senate Bill 747.

The amendments to §535.31 clarify that the exemption only applies to attorneys licensed in the state of Texas.

The reasoned justification for the amendments is to have consistency between the Texas Occupations Code, Chapter 1101 and 22 TAC Chapter 535.

No comments were received on 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 statutes affected by this adoption are Texas Occupations Code, Chapters 1101, 1102, and 1303; and Texas Property Code, Chapter 221. No

other statute, code or article is affected by the amendments.

§535.31. Attorneys at Law.An attorney licensed in this state is exempt from the requirements of the Act but cannot sponsor real estate salespersons or serve as the designated officer or manager of a licensed corporation or limited liability company, or designated partner of a partnership unless the attorney is also licensed as a real estate broker. This provision is not a waiver of the standards of eligibility and qualification elsewhere established in the Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 12, 2011.

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