



**ADOPTED RULE ACTION FROM
AUGUST 13, 2012 MEETING OF THE COMMISSION
Chapter 535. General Provisions.
Subchapter I. Licenses
§535.91. Renewal Notices.**

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.91 concerning Renewal Notices without changes to the rule as published in the June 1, 2012, issue of the *Texas Register* (37 TexReg 3978) and will not be republished. The amendments are adopted to implement the relevant provisions of Senate Bill 747, 82nd Texas Legislature, Regular Session (2011). In part, SB 747 amends Texas Occupations Code, §1101.458 to require that certain licensees take a six hour broker responsibility course to renew a license.

The amendments to §535.91 clarify that a broker who has delegated licensees supervisory authority under §535.2 must notify the commission within 30 days of delegation or termination of delegation, the name or names of such licensees. In addition, the amendments provide that licensees who are required to take the broker responsibility course and have already completed their MCE requirements prior to July 1, 2012 may, but are not required to take the broker responsibility course for the first renewal of their license after September 1, 2012.

No comments were received on the rule as proposed. The reasoned justification for the amendment is consistency between the Texas Occupations Code, Chapter 1101 and 22 TAC Chapter 535.

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

§535.91. Renewal Notices.

(a) Each real estate license expires on the date shown on the face of the license certificate issued to the licensee. The licensee has the responsibility to apply for renewal of a license by making proper application, paying the fee set by the commission and completing MCE courses within the time periods required by the Act, §1101.455, unless otherwise authorized by §1101.457 of the Act and §535.92 of this subchapter (relating to Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements).

(b) Except as authorized by §535.92 of this subchapter, for the renewal of a license on active status that is not subject to the annual education requirements of §1101.454 of the Act, the license holder must attend during the term of the current license, at least two commission developed legal courses consisting of a three-hour legal update course and a three-hour legal ethics course to comply with the six legal hours of mandatory continuing education required by §1101.455 of the Act.

(c) To renew a license on active status on or after September 1, 2012, a broker who sponsors a salesperson, a designated broker of a business entity, or a license holder who is a delegated supervisor of one or more license holders pursuant to §535.2 of this chapter (relating to Broker

Responsibility) for six months or more during the course of the current license must attend the six hour broker responsibility course required by §1101.458 of the Act.

(d) A broker shall provide to the commission, within 30 days of delegation, the name of each license holder who is anticipated to be or has been a delegated supervisor of one or more license holders pursuant to §535.2 of this chapter (relating to Broker Responsibility) for six months or more during the course of the current license, or the termination of such delegation by:

(1) Initiating the appropriate transaction, if available, through the TREC online license management system, including payment of any required fees; or

(2) Submitting a notice on a form approved by the commission for this purpose, if any.

(e) Licensees who are otherwise required to take the broker responsibility course who have completed all MCE requirements prior to July 1, 2012 may, but are not required to take the course for the first renewal of their license after September 1, 2012.

(f) The commission shall mail a license renewal notice three months before the expiration of the current license. Failure to receive a license renewal notice does not relieve a licensee of the obligation to renew a license.

(g) A licensee shall provide information requested by the commission in connection with an application to renew a license within 30 days after the commission requests the information. Failure to provide information requested by the commission in connection with a renewal application within the required time is grounds for disciplinary action under §1101.656 of the Act.

(h) If a licensee is unable to renew a license on the commission's Internet website, the licensee may renew an unexpired license by obtaining a renewal application form from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas

78711-2188 and complying with the commission's requirements.

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.

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