

Texas Real Estate Commission
CHAPTER 539 RULES RELATING TO THE RESIDENTIAL SERVICE COMPANY
ACT

Rules Adopted at the February 14, 2011 Commission Meeting

Subchapter G. Application for License
§539.61

The Texas Real Estate Commission (TREC) adopts amendments to §539.61, concerning Application and Licensing, without changes to the proposed text as published in the January 7, 2011, issue of the *Texas Register* (36 TexReg 17) and will not be republished.

The amendments add new subsection (c) to provide a deadline for applicants to provide information to the commission in connection with an application.

There is currently no deadline for responding to a request for information. Creating a time certain for termination of an incomplete application will allow the Commission to create a records retention period for TREC to maintain the application and related materials.

The reasoned justification for the amendments is enhanced consumer protection for purchasers of residential service contracts.

No comments were received on the rule as proposed.

The amendments are adopted under Texas Occupations Code, §1303.051, which authorizes the Texas Real Estate Commission to adopt rules necessary to implement Chapter 1303.

The statute affected by this adoption is Texas Occupations Code, Chapter 1303. No other statute, code or article is affected by the proposed amendments.

§539.61. Application and Licensing.

(a) The Texas Real Estate Commission adopts by reference Application Form RSC 1-2 approved by the commission. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

(b) The commission shall assign a license number to each residential service company licensed by the commission.

(c) An application for residential service company license or an application to approve evidence of coverage/schedule of charges in §539.71(2) of this chapter (relating to Miscellaneous Forms) will be terminated and the commission shall take no further action if the applicant fails to submit a response within 90 days after the commission mails a request to the applicant for curative action.

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 February 17, 2011.

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