

***Texas Real Estate Commission
Chapter 539, Rules Relating to the Residential Service Company Act
Rules Adopted at the May 17, 2009 Meeting***

**Subchapter J. Annual Report
§539.91**

The Texas Real Estate Commission (TREC) adopts amendments to Subchapter J, §539.91 concerning Annual Report with changes to the form adopted by reference as published in the February 26, 2010 issue of the *Texas Register* (35 TexReg 1567). The proposed rule adopts by reference a revised annual report form. The revised form is streamlined and changed to provide consistency with other TREC forms. Among other things, the form is changed to detail payments to real estate brokers, insurance agents, mobile home dealers or non-RSC employees for selling, advertising, inspection, or processing of residential service contracts. The change to the form as adopted from that which was originally proposed is the adopted form may be utilized as a fillable PDF electronic document.

The revisions to the form as adopted do not change the nature or scope so much that they could be deemed a different form. The form as adopted does not affect individuals other than those contemplated by the form as proposed. The form as adopted does not impose more onerous requirements than the proposed version and does not materially alter the issues raised in the proposed forms. Changes in the form adopted by reference reflect non-substantive variations from the proposed form to clarify their intent and improve style and readability to better reflect the statutory reference.

No comments were received on the amendments to the rule as proposed. The reasoned justification for the amendments is enhanced consumer protection for purchasers of residential service contracts.

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 amendments.

§539.91. Annual Report. .The Texas Real Estate Commission adopts by reference the Annual Report form RSC 6-3 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.

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.

Issued in Austin, Texas, on May 24, 2010.

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Texas Real Estate Commission
Effective Date: September 1, 2010