

Texas Real Estate Commission
CHAPTER 535, General Provisions
Rules Adopted by ER Action at the August 1, 2011 Commission Meeting

Subchapter M. Nonresidents

§535.132. Eligibility for Licensure

The Texas Real Estate Commission (TREC) adopts on an emergency basis amendments to §535.132, regarding Eligibility for Licensure. The amendments are adopted on an emergency basis to implement the relevant provisions of Senate Bill 747, 82nd Texas Legislature, Regular Session (2011). The effective date of the relevant provisions of SB 747 is September 1, 2011. The adoption of the amendment is necessary to comply with the effective date of the bill. In relevant part, SB 747 amends Texas Occupations Code, Chapter 1101 to delete the exemption from licensing for partnerships in which a general partner is a broker and requires licensure as a broker for any business entity as defined in §1.002 of the Business Organizations Code. Emergency action is necessary to amend §535.132 to be consistent with SB 747.

The amendment to §535.132 makes emergency conforming changes to be consistent with the statutory text amended by SB 747.

The amendments are adopted on an emergency basis 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 these amendments is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the amendments.

§535.132. Eligibility for Licensure.

(a)(No change.)

(b)A **business entity** [~~limited liability company~~] created **or chartered** under the laws of another state [~~or a corporation chartered in a state other than Texas~~] may apply for a Texas real estate

broker license if the entity meets one of the following requirements.

(1)(No change.)

(2)The entity is licensed as a broker in a state in which it is permitted to engage in real estate brokerage business as a foreign **business entity** [~~limited liability company or corporation~~].

(3)The entity was created or chartered in a state that does not license **business entities** [~~limited liability companies or corporations~~], as the case may be, and the entity is lawfully engaged in the practice of real estate brokerage in another state and meets all other requirements for applications for a license in Texas.

(c)(No change.)

(d)To be eligible to receive a license and maintain an active license, a **business entity** [~~limited liability company or corporation~~] created or chartered in another state must designate a person to act for it who meets the requirements of §1101.453 of the Act, although the designated **broker** [~~person~~] is not required to be a resident of Texas. Foreign **business entities** [~~corporations and limited liability companies~~] also must be permitted to engage in business in this state to receive a Texas real estate broker license.

This agency hereby certifies that the emergency adoption 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 5, 2011

TRD-201102996

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Texas Real Estate Commission

Effective date: September 1, 2011

Expiration date: December 29, 2011