

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

Subchapter C. Exemptions from Licensure

§535.31. Attorneys at Law

The Texas Real Estate Commission (TREC) adopts on an emergency basis amendments to 22 TAC §535.31 regarding Attorneys at Law. 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 part, SB 747 amends Texas Occupations Code, §1101.005 regarding an exemption for attorneys. The amendment now exempts attorney licensed in the State of Texas; it previously applied to attorneys licensed in any state.

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

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

§535.31. Attorneys at Law. An [A—licensed] 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 emergency rule as adopted 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-201102992
Loretta R. DeHay
General Counsel
Texas Real Estate Commission
Effective date: September 1, 2011
Expiration date: December 29, 2011