

**Texas Real Estate Commission
Rules Proposed at the May 7, 2012 Meeting
Chapter 535, General Provisions**

Subchapter I. Licenses.

**§535.92. Renewal: Time for Filing;
Satisfaction of Mandatory
Continuing Education Requirements**

The Texas Real Estate Commission proposes amendments to §535.92, concerning Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements. The amendment removes the reference to the MCE deferral fee and late reporting fee because the fees will be reflected in amendments to §535.101, concerning Fees.

Loretta R. DeHay, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the amendments. There is no anticipated significant impact on small businesses, micro-businesses or local or state employment as a result of implementing the amendments. There is no significant anticipated economic cost to persons who are required to comply with the proposed amendments.

Ms. DeHay also has determined that for each year of the first five years the amendments as proposed are in effect the public benefit anticipated as a result of enforcing the amendments will be consistency between 22 TAC Chapter 534 and Chapter 535.

Comments on the proposal may be submitted to Loretta R. DeHay, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed 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 proposal is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the proposed amendments.

**§535.92. Renewal: Time for Filing;
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Education Requirements**

(a) - (f)(No change.)

(g)Notwithstanding any provisions of the Act to the contrary, when a licensee in an active status files a timely application to renew a current license and has satisfied all requirements other than the completion of applicable MCE requirements, the commission shall renew the current license in an active status.

(1)If the licensee has not completed MCE requirements prior to the expiration of the current license, the licensee must, within 60 days after the effective date of the new license, pay an additional MCE deferral fee [~~of \$200~~] AND complete the required number of MCE hours.

(2)If, within 15 days after the end of the 60 day period set out in paragraph (1) of this subsection, the commission has not been provided with evidence that the licensee has completed the required number of MCE hours and paid the MCE deferral fee [~~of \$200~~], the renewed license shall be placed on inactive status.

(3)In order to reactivate a license placed on inactive status under this subsection, the licensee must:

(A)provide the commission with evidence that the licensee has completed the required MCE hours;

(B)certify, on a form acceptable to the commission, that the licensee has not engaged in activity requiring a license at any time after the license became inactive;

(C)complete and submit a Request to Return to Active Status Form if a broker or a Salesperson Sponsorship Form if a salesperson and pay the appropriate fee;

(D)if the license was placed on inactive status because the licensee failed to timely pay the [~~\$200~~] MCE deferral fee required by

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paragraph (1) of this subsection, the licensee must, because the licensee received the benefits of the 60-day deferral, pay the [~~\$200~~] MCE deferral fee; and

(E) pay a late reporting fee [~~of \$250~~].

(4)(No change.)

(h) - (m)(No change.)

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 May 14, 2012.

TRD# 201202404

Loretta R. DeHay
General Counsel
Texas Real Estate Commission
Earliest possible date of adoption: 8/13/12