



**ADOPTED RULE ACTION FROM
AUGUST 13, 2012 MEETING OF THE COMMISSION
Chapter 535. General Provisions.
Subchapter J. Fees
§535.101. Fees.**

The Texas Real Estate Commission (TREC or the commission) adopts amendments to §535.101 regarding Fees with changes to the rule as published in the June 1, 2012, issue of the Texas Register (37 TexReg 3980). The difference between the rule as proposed and adopted is the deletion of the phrase “terminate or” in subsection (b)(7), the addition of the term “broker” to subsection (b)(8) between “inactive” and “license;” and the correction of the reference in subsection (b)(22). The amendments increase from \$20 to \$50 the fee for filing a request for, or renewal of, a branch office license; increase from \$20 to \$50 the fee to request an inactive license be returned to active status; increase from \$20 to \$40 the fee for preparing a license history; increase from \$25 to \$50 the fee for the filing of a moral character determination; add a fee of \$50 plus \$20 per classroom hour for each core education course for a period of four years; add a fee of \$50 plus \$10 per classroom hour for each MCE course for a period of two years; increase from \$25 to \$150 the fee for the filing of an application for approval as an instructor for a two-year period for real estate core or MCE courses, or both; clarify the fee charged by the Federal Bureau of Investigation and Texas Department of Public Safety for fingerprinting or background check in connection with a license application or renewal; clarify the fee required by the Department of Information Resources as a subscription or convenience fee for use of an online payment system; and increase from \$25 to \$30 the fee for processing a returned check. The effective date for the amendments is January 1, 2013.

Senate Bill 1000 makes the Texas Real Estate Commission self-directed and semi-independent. The bill removes the agency from the legislative

budgeting process, and requires the commission to adopt and approve an annual budget. The bill requires that the commission collect sufficient fees to fund operations to carry out its function and to fund the budget. In relevant part, the bill also requires the agency to remit \$750,000 to the general revenue fund not later than August 31 of each fiscal year, to remit a non-refundable retainer to the State Auditor of \$10,000 per fiscal year, a nonrefundable retainer to the Attorney General of \$75,000 per fiscal year, and a non-refundable retainer to the State Office of Administrative Hearings of \$75,000 per fiscal year. TREC is required to reimburse each agency for all costs incurred in excess of the retainers for providing services to the commission. In addition, the bill requires the agency to pay rent in a reasonable amount to be determined by the Texas Facilities Commission with aggregate rent payments to be not less than \$555,100 per fiscal year for state fiscal years ending August 31, 2012 and August 31, 2013; and not less than \$425,000 per fiscal year for each year ending August 31, 2014, August 31, 2015, and August 31, 2016.

The reasoned justification for the fee increases is to generate sufficient revenue to fund operations of the agency and to comply with requirements of Senate Bill 1000, 82nd Texas Legislature, Regular Session (2011).

The revision to the rule as adopted does not change the nature or scope so much that they could be deemed a different rule. The rule as adopted does not affect individuals other than those contemplated by the rule as proposed. The rule as adopted does not impose more onerous requirements than the proposed rule.

No comments were received on the rule as proposed.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to ensure compliance with the provisions of the Act.

The statutes affected by this adoption are Texas Occupations Code, Chapter 1101 and Chapter 1102. No other statute, code or article is affected by the amendments.

§535.101 Fees.

(a) Fees for the issuance of a license due to a change of address, additional place of business or change of sponsoring broker are due when requests for such licenses are received. A change of address or name submitted with an application to renew a license, however, does not require payment of a fee in addition to the fee for renewing the license. If the commission receives a request for issuance of a license certificate which requires payment of a fee, and appropriate fee was not filed with the request, the commission shall return the request and notify the person filing the request that the person must pay the fee before the certificate will be issued. The commission may require written proof of a licensee's right to use a different name prior to issuing a license certificate reflecting a change of name. As used in this section, the term "license" includes a certificate of registration.

(b) The commission shall charge and collect the following fees:

(1) a fee of \$119 for the filing of an original application for a real estate broker license, which includes a fee for transcript evaluation;

(2) a fee of \$39 for annual renewal of a real estate broker license;

(3) a fee of \$119 for the filing of an original application for a real estate salesperson license, which includes a fee for transcript evaluation;

(4) a fee of \$39 for annual renewal of a real estate salesperson license;

(5) a fee of \$61 for taking a license examination;

(6) a fee of \$50 for filing a request for, or renewal of, a license for each additional office or place of business for a period of two years;

(7) a fee of \$20 for filing a request for a license for a change of place of business, change of a licensee name, or to establish a relationship with a sponsoring broker;

(8) a fee of \$50 to request an inactive broker license be returned to active status;

(9) a fee of \$40 for preparing a license history;

(10) a fee of \$50 for the filing of a moral character determination;

(11) a fee of \$400 for filing an application for accreditation of a core education program for a period of four years under Texas Occupations Code (the Act), §1101.301;

(12) after approval, a fee of \$200 a year for operation of a core real estate education program under the Act, §1101.301;

(13) a fee of \$50 plus \$20 per classroom hour approved by the commission for each core education course for a period of four years;

(14) a fee of \$400 for filing an application for accreditation as a Mandatory Continuing Education (MCE) provider for a period of two years under the Act, §1101.302;

(15) a fee of \$50 plus \$10 per classroom hour approved by the commission for each MCE course for a period of two years;

(16) a fee of \$150 for the filing of an application for approval as an instructor for a two-year period for real estate core or MCE courses, or both;

(17) a fee of \$58.50 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired 90 days or less;

(18) a fee of \$78 for the annual late renewal of a real estate salesperson or broker license for a person whose license has been expired more than 90 days but less than six months;

(19) the fee charged by the Federal Bureau of Investigation and Texas Department of Public Safety for fingerprinting or other service for a national or state criminal history check in connection with a license application or renewal;

(20) the fee required by the Department of Information Resources as a subscription or convenience fee for use of an online payment system;

(21) an MCE deferral fee of \$200 if MCE is not completed by scheduled license expiration date;

(22) a late reporting fee of \$250 to reactivate a license under §535.92(g) of this chapter (relating to Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements);

(23) a fee of \$30 for processing a check or other equivalent instrument returned by a bank or depository as dishonored for insufficient funds; and

(24) a fee of \$20 for filing any application, renewal, change request, or other record on paper that a person may otherwise file with the commission electronically by accessing the commission's web site, entering the required information online, and paying the appropriate fee.

(c) Fees established by this section that are paid when an application is filed are not refundable once an application has been accepted for filing.

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 August 20, 2012.

TRD No. 201204411
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