

Texas Real Estate Commission
Chapter 535, General Provisions
Rules Adopted at the October 10, 2011 Commission Meeting

Subchapter J. Fees
§535.101

The Texas Real Estate Commission (TREC or the commission) adopts amendments to §535.101 regarding Fees without changes to the proposed text as published in the August 19, 2011, issue of the *Texas Register* (36 TexReg 5192).

The amendments increase the salesperson and broker application fees from \$105 to \$119; the annual renewal fees for brokers and salespersons from \$34 to \$39; the late renewal fee from \$51 to \$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; and late renewal fee from \$68 to \$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 effective November 1, 2011. The amendments also change the maximum late renewal period from six months to one year and remove a reference to an application in the fee for moral character determination.

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 nonrefundable 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 nonrefundable retainer to the State Office of Administrative Hearings of \$75,000 per fiscal year. TREC will be 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 \$550,000 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 raise sufficient revenue to fund costs of agency operations and required payments to the General Revenue Fund and other state agencies under Senate Bill 1000, 82nd Legislature, Regular Session (2011).

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, Chapters 1101, 1102, and 1303, and Texas Property Code, Chapter 221. 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:

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(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 \$20 for filing a request for a license for each additional office or place of business;

(7)a fee of \$20 for filing a request for a license for a change of place of business change of name, return to active status or change of sponsoring broker;

(8)a fee of \$20 for filing a request to replace a license lost or destroyed;

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

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

(11)a fee of \$20 for preparing a license history;

(12)a fee of \$25 for the filing of a moral character determination;

(13)a fee of \$25 for the filing of an instructor application;

(14)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;

(15)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;

(16)the fee charged by the Federal Bureau of Investigation for a national criminal history check in connection with a license renewal;

(17)a late reporting fee of \$250 to reactivate a license under §535.92(f) of this chapter; and

(18)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 adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 12, 2011.

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Effective Date: November 1, 2011