

BILL ANALYSIS

Senate Research Center
76R6017 SMH-F

H.B. 1521
By: Siebert (Harris)
Jurisprudence
5/6/1999
Engrossed

DIGEST

Currently, the penalty provisions regarding professional licensing statutes which regulate the behavior of real property professionals, such as land surveyors, appraisers, realtors, and time share professionals, have been enacted, but not updated. H.B. 1521 would update the penalty provisions of various licensing sections regarding the behavior of real property professionals.

PURPOSE

As proposed, H.B. 1521 sets forth provisions regarding penalties for violating real property statutes.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 23A(b), Article 5282c, V.T.C.S. (Professional Land Surveying Practices Act), to provide that the penalty for each violation may be in an amount not to exceed \$1,500, rather than \$1,000, for each violation.

SECTION 2. Amends Section 23B, Article 5282c, V.T.C.S., to require the attorney general, on request of the Texas Board of Professional Land Surveying (board), to institute and conduct a suit to collect the penalty in the name of the state. Makes conforming changes.

SECTION 3. Amends Article 6573a.1, V.T.C.S., to provide that a person commits an offense if the person wilfully violates or fails to comply with any of the provisions of the Real Estate License Act or any order of the Texas Real Estate Commission. Provides that an offense under this article is a Class A misdemeanor. Deletes text regarding conviction fines. Makes conforming changes.

SECTION 4. Amends Section 12(j), Article 6573a.2, V.T.C.S. (Texas Appraiser Licensing and Certification Act), to prohibit a civil penalty under this subsection from being less than \$1,000, rather than \$500, or more than \$10,000.

SECTION 5. Amends Section 12A(j), Article 6573a.2, V.T.C.S., to require the board to make findings of facts and conclusions of law and to impose an administrative penalty to be set at the discretion of the board at an amount that may not exceed \$1,500, rather than \$1,000, for each violation.

SECTION 6. Amends Section 12.002(e), Property Code, to make a conforming change.

SECTION 7. Amends Section 221.073(c), Property Code, to make nonsubstantive changes.

SECTION 8. Amends Sections 221.075(b) and (c), Property Code, to provide that in no event shall the civil penalties exceed \$30,000, rather than \$25,000, for any one statement period. Makes a conforming change.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Emergency clause.
Effective date: upon passage.