

BILL ANALYSIS

Senate Research Center
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H.B. 944
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Pursuant to Section 1201.101(b), Occupations Code, a person must obtain a retailer's license in order to sell more than one manufactured home in a given year. In order to obtain a retailer's license, a person must complete 12 hours of instruction relating to the law and consumer protection regulations applicable to manufactured home sales.

Although these requirements are necessary to protect the general marketplace, they are overly burdensome on those individuals who wish to sell a limited number of manufactured homes. H.B. 944 seeks to address this concern by exempting individuals who sell five or fewer manufactured homes in a 12-month period from the retailer's licensure requirement. H.B. 944 also clarifies that a person who is eligible for a licensure exemption must comply with the other statutory requirements imposed on manufactured housing retailers.

H.B. 944 amends current law relating to an exemption from license requirements for a limited number of sales of manufactured housing.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs operating through its manufactured housing division in SECTION 1 (Section 1201.1025, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 1201, Occupations Code, by adding Section 1201.1025, as follows:

Sec. 1201.1025. EXEMPTION FROM RETAILER'S LICENSE REQUIREMENT. (a) Exempts a person, notwithstanding any other law, in any 12-month period from holding a retailer's license as required by Section 1201.101(b) (relating to prohibiting a person from selling, exchanging, or lease-purchasing or offering to sell, exchange, or lease-purchase two or more manufactured homes to consumers in this state) if during that period the person sells or offers to sell not more than five manufactured homes.

(b) Requires the Texas Department of Housing and Community Affairs operating through its manufactured housing division by rule to develop a form necessary for a person to establish eligibility for the exemption provided by this section.

(c) Provides that a person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter regarding the sale of manufactured homes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.