

AN ACT

relating to the requirements of an auctioneer's license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1802.052, Occupations Code, is amended to read as follows:

Sec. 1802.052. ELIGIBILITY FOR AUCTIONEER'S LICENSE. (a) An individual is eligible for an auctioneer's license if the individual:

(1) is at least 18 years of age;

(2) is a citizen of the United States or a legal alien;

[and]

(3) either:

(A) passes a written or oral examination demonstrating knowledge of the auction business and of the laws of this state relating to the auction business; or

(B) shows proof of employment by a licensed auctioneer for at least two years [~~one year~~] during which the applicant participated in at least 10 [~~five~~] auctions;

(4) holds a high school diploma or a high school equivalency certificate;

(5) has not been convicted of a felony during the five years preceding the date of application; and

(6) has completed at least 80 hours of classroom instruction at an auction school with a curriculum approved by the

1 department in accordance with the standards and procedures
2 established by rule adopted under this chapter.

3 (b) The department, as provided by rule, may charge an
4 auction school a reasonable fee for approving the curriculum as
5 required under Subsection (a)(6).

6 SECTION 2. Subchapter B, Chapter 1802, Occupations Code, is
7 amended by adding Section 1802.062 to read as follows:

8 Sec. 1802.062. LICENSE NOT REQUIRED FOR CERTAIN EMPLOYEES.
9 An employee of an auction company who does not act as a bid caller at
10 any auction in this state is not required to hold a license under
11 this chapter.

12 SECTION 3. Not later than January 1, 2004, the executive
13 director of the Texas Department of Licensing and Regulation shall
14 adopt the rules required by Section 1802.052, Occupations Code, as
15 amended by this Act.

16 SECTION 4. (a) Except as provided by Subsection (b) of this
17 section, the changes in law made by this Act to Section 1802.052,
18 Occupations Code, apply only to an application for an auctioneer's
19 license filed on or after the effective date of this Act. An
20 application for an auctioneer's license filed before the effective
21 date of this Act is governed by the law in effect on the date the
22 application was filed, and the former law is continued in effect for
23 that purpose.

24 (b) An applicant for an auctioneer's license who files an
25 application on or before January 1, 2004, is not required to have
26 completed the 80 hours of classroom instruction required by Section
27 1802.052(a)(6), Occupations Code, as added by this Act.

1 SECTION 5. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 135 was passed by the House on April 25, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 135 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Gaud

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 pm O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State