



TEXAS REAL ESTATE COMMISSION

Mailing Address: P.O. Box 12188 • AUSTIN, TEXAS • 78711-2188
Phone: (512) 459-6544 Fax: (512) 465-3910
World Wide Web: <http://www.trec.state.tx.us>

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Attorney General John Cornyn
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OPINION CO.

OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

RQ-0261-jc SG

RE: Request for Opinion

FILE # ML-41533-00

I.D. # 41533

Dear General Cornyn:

The Texas Real Estate Commission requests your opinion on questions involving the interplay of two state statutes.

Article 6573b, Texas Civil Statutes, requires a person to obtain a license from the Texas Real Estate Commission to offer a "residential service contract" under which the person will "maintain, repair, or replace all or any part of the structural components, the appliances, or the electrical, plumbing, heating, cooling, or air-conditioning systems of residential property." Article 9034, Texas Civil Statutes, requires a person to register with the Texas Department of Licensing and Regulation to offer a "service contract" under which the person "agrees to repair, replace, or maintain a product, or provide indemnification for the repair, replacement, or maintenance of a product, for operational or structural failure caused by a defect in materials or workmanship or by normal wear." Article 9034 does not define the term "product". Article 9034 exempts a person registered under it from Article 6573b when marketing "service contracts" and exempts a person licensed by the Texas Real Estate Commission under Article 6573b from Article 9034 when offering "residential service contracts."

We request your opinion on the following questions.

(1) Does Article 6573b apply to a person offering a contract to repair or replace the electrical, plumbing, heating, cooling, or air-conditioning systems in residential property if the person is registered with the Texas Department of Licensing and Regulation under Article 9034?

(2) What are the licensing or registration requirements for a person to offer a contract to repair or replace appliances in a residence?

Yours truly,

Wayne Thorburn
Administrator

CCM: RRR No. P 105 245 632

cc: William H. Kuntz, Executive Director
Texas Department of Licensing and Regulation