

PROPERTY CODE

CHAPTER 419. ADMINISTRATIVE PENALTY

Sec. 419.001. IMPOSITION OF ADMINISTRATIVE PENALTY. In a contested case involving disciplinary action, the commission may, as part of the commission's order, impose an administrative penalty on a registered or certified person who violates this title or a rule adopted or order issued by the commission under this title. Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 419.002. AMOUNT OF PENALTY. (a) An administrative penalty imposed under this chapter may not exceed \$5,000 for each violation.

(b) In determining the amount of an administrative penalty, the hearings officer or commission shall consider:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited acts;
- (2) the history of previous violations;
- (3) the amount necessary to deter a future violation;
- (4) efforts to correct the violation; and
- (5) any other matter justice may require.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 419.003. PAYMENT OF PENALTY. The commission shall specify in an order imposing an administrative penalty under this chapter a date on or before the 30th day after the date the order becomes final and unappealable by which the person against whom the penalty is imposed must pay the penalty.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.

Sec. 419.004. ENFORCEMENT OF PENALTY. If a person does not pay an administrative penalty imposed under this chapter and enforcement of the penalty is not stayed, the commission may:

(1) refer the matter to the attorney general for collection of the penalty; or

(2) enforce any part of the order that specifies disciplinary action to be taken against the registered or certified person if the registered or certified person fails to pay the administrative penalty within the time prescribed.

Added by Acts 2003, 78th Leg., ch. 458, Sec. 1.01, eff. Sept. 1, 2003.