

OCCUPATIONS CODE

TITLE 5. REGULATION OF FINANCIAL AND LEGAL SERVICES

SUBTITLE B. LEGAL SERVICES

CHAPTER 954. LAND SERVICES FOR PETROLEUM, MINERAL, AND OTHER
ENERGY SOURCES

Sec. 954.001. DEFINITIONS. In this chapter:

(1) "Land services":

(A) means the performance or supervision of one or more of the following activities:

(i) negotiating the acquisition or divestiture of mineral rights or rights associated with other energy sources;

(ii) negotiating business agreements or easements to provide for the exploration for or development of minerals or other energy sources;

(iii) ascertaining ownership in mineral rights or rights associated with other energy sources and related real property through the research of public and private records;

(iv) reviewing the status of title, curing title defects, providing title due diligence, and otherwise reducing title risk associated with the ownership, acquisition, or divestiture of mineral rights, property associated with minerals, or rights associated with other energy sources, excluding:

(a) administrative functions;

(b) division order functions; and

(c) lease analyst functions;

(v) managing rights or obligations derived from ownership of interests in minerals or rights associated with other energy sources; or

(vi) using or pooling mineral interests or rights associated with other energy sources; and

(B) does not include determining, examining, or reviewing the status of title in connection with transactions that are primarily for:

(i) the sale, purchase, or encumbrance of the surface of the land unassociated with mineral rights or other

energy sources; or

(ii) the mortgage of real property used or intended to be used primarily for residential purposes.

(2) "Mineral" has the meaning assigned by Section 75.001, Property Code. The term includes oil, gas, related hydrocarbons, coal, lignite, uranium, and substances classified as base, industrial, precious, or strategic minerals.

(3) "Other energy source" means a natural resource other than a mineral that is necessary to produce energy, including geothermal, hydroelectric, nuclear, solar, and wind energy.

Added by Acts 2003, 78th Leg., ch. 696, Sec. 1, eff. June 20, 2003.

Renumbered from Occupations Code, Section 953.001 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(75), eff. September 1, 2005.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 197 (S.B. 604), Sec. 1, eff. May 24, 2023.

Sec. 954.002. EXCEPTION TO PRACTICE OF LAW. For the purposes of the definition in Section 81.101, Government Code, the "practice of law" does not include engaging in land services if:

(1) the acts are performed by a person who does not hold the person out as an attorney licensed to practice law in this state or in another jurisdiction; and

(2) the person is not a licensed attorney.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 197 (S.B. 604), Sec. 1, eff. May 24, 2023.