

## **BILL ANALYSIS**

C.S.H.B. 808  
By: Driver  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, the Private Security Act applies to any person who conducts an investigation if the investigation involves a person, or the affairs of a person, who is not employed by the same employer as the person conducting the investigation and the investigation is not conducted on the premises of the employer.

Section 1702.324(b) of the Occupations Code sets forth certain exceptions from coverage of the Act. The exceptions include manufacturers and manufacturers' representatives, credit checkers, debt collectors, repossessioners, certain locksmiths, persons who conduct psychological testing, licensed professional engineers, cattle association employees, landmen, attorneys, and insurance professionals, but not certified public accountants (CPAs).

Certified public accountants and their firms are required to be licensed under the Texas Public Accountancy Act (TPAA), Chapter 901 of the Occupations Code, and are not exempted from the Private Security Act, resulting in a requirement of dual licensure. As CPAs are regulated by the Texas State Board of Public Accountancy, they should be exempted from coverage of the Private Security Act in the same manner that professional licensed engineers, attorneys, and other licensed professionals are exempted.

C.S.H.B. 808 exempts from the requirements of the Private Security Act a person licensed as an accountant and engaged in the practice of public accountancy under Chapter 901 of the Occupations Code, as well as an owner of an accounting firm, or an employee of an accountant or accounting firm.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill amends §1702.324 of the Occupations Code by adding that a person or firm licensed as an accountant or accounting firm under Chapter 901 of the Occupations Code, an owner of an accounting firm, or an employee of an accountant or accounting firm, is not subject to Chapter 1702 of the Occupations Code.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

House Bill 808 provides that a person licensed as an accountant and engaged in the practice of public accountancy under Chapter 901 is exempt from Chapter 1702 of the Occupations Code. C.S.H.B. 808 broadens the exception, providing that a person or firm licensed as an accountant or accounting firm under Chapter 901, an owner of an accounting firm, or an employee of an accountant or accounting firm is exempt from Chapter 1702 of the Occupations Code.