

AN ACT

relating to exempting an accountant from regulation as a private investigator.

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

SECTION 1. Section 1702.324(b), Occupations Code, as amended by Chapters 936, 1237, and 1276, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(b) This chapter does not apply to:

(1) a manufacturer or a manufacturer's authorized distributor who sells equipment to a license holder or registrant that is used in the operations for which the person is required to be licensed or registered;

(2) a person engaged exclusively in the business of obtaining and providing information to:

(A) determine creditworthiness;

(B) collect debts; or

(C) ascertain the reliability of information provided by an applicant for property, life, or disability insurance or an indemnity or surety bond;

(3) a person engaged exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(4) a person who:

1           (A) is engaged in the business of psychological  
2 testing or other testing and interviewing services, including  
3 services to determine attitudes, honesty, intelligence,  
4 personality, and skills, for preemployment purposes; and

5           (B) does not perform any other service that  
6 requires a license under this chapter;

7           (5) a person who:

8           (A) is engaged in obtaining information that is a  
9 public record under Chapter 552, Government Code, regardless of  
10 whether the person receives compensation;

11           (B) is not a full-time employee, as defined by  
12 Section 61.001, Labor Code, of a person licensed under this  
13 chapter; and

14           (C) does not perform any other act that requires  
15 a license under this chapter;

16           (6) a licensed engineer practicing engineering or  
17 directly supervising engineering practice under Chapter 1001,  
18 including forensic analysis, burglar alarm system engineering, and  
19 necessary data collection;

20           (7) an employee of a cattle association who inspects  
21 livestock brands under the authority granted to the cattle  
22 association by the Grain Inspection, Packers and Stockyards  
23 Administration of the United States Department of Agriculture;

24           (8) a landman performing activities in the course and  
25 scope of the landman's business;

26           (9) an attorney while engaged in the practice of law;

27           (10) a person who obtains a document for use in

1 litigation under an authorization or subpoena issued for a written  
2 or oral deposition;

3 (11) an admitted insurer, insurance adjuster, agent,  
4 or insurance broker licensed by the state, performing duties in  
5 connection with insurance transacted by that person;

6 (12) a person who on the person's own property or on  
7 property owned or managed by the person's employer:

8 (A) installs, changes, or repairs a mechanical  
9 security device;

10 (B) repairs an electronic security device; or

11 (C) cuts or makes a key for a security device;

12 [~~or~~]

13 (13) security personnel, including security contract  
14 personnel, working at a commercial nuclear power plant licensed by  
15 the United States Nuclear Regulatory Commission; or

16 (14) a person or firm licensed as an accountant or  
17 accounting firm under Chapter 901, an owner of an accounting firm,  
18 or an employee of an accountant or accounting firm.

19 SECTION 2. To the extent of any conflict, this Act prevails  
20 over another Act of the 79th Legislature, Regular Session, 2005,  
21 relating to nonsubstantive additions and corrections in enacted  
22 codes.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2005.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 808 was passed by the House on April 22, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 808 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor