

By: Thompson

H.B. No. 2591

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of property tax consultants.

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

SECTION 1. Section 1152.152, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A registered senior property tax consultant or an attorney described by Subsection (a)(2) may not employ, claim an association with, or sponsor more than 10 registered property tax consultants.

SECTION 2. Section 1152.156(a), Occupations Code, is amended to read as follows:

(a) In addition to satisfying the requirements of Section 1152.155, an applicant for registration as a property tax consultant must:

(1) complete at least 40 [~~15~~] classroom hours of educational courses approved by the executive director, including at least four hours of instruction on laws and legal issues in this state related to property tax consulting services and pass a competency examination under Section 1152.160; or

(2) if the person is eligible for registration under Section 1152.155(b), submit to the commission evidence that the applicant has completed at least four classroom hours of educational programs or courses on the laws and legal issues in this state related to property tax consulting services.

1 SECTION 3. Section 1152.160, Occupations Code, is amended
2 to read as follows:

3 Sec. 1152.160. [~~SENIOR PROPERTY TAX CONSULTANT~~]
4 REGISTRATION EXAMINATIONS [~~EXAMINATION~~]. (a) The executive
5 director shall:

6 (1) adopt an examination for registration as a senior
7 property tax consultant; [~~and~~]

8 (2) adopt an examination for registration as a
9 property tax consultant; and

10 (3) establish the standards for passing the
11 examinations [~~examination~~].

12 (b) The department shall offer the examinations
13 [~~examination~~] at times and places designated by the executive
14 director.

15 (c) To be eligible to take an [~~the~~] examination, an
16 applicant must pay to the department an examination fee.

17 (d) The examination must [~~+~~

18 [~~(1)~~] test the applicant's knowledge of:

19 (1) [~~(A)~~] property taxation;

20 (2) [~~(B)~~] the property tax system;

21 (3) [~~(C)~~] property tax administration;

22 (4) [~~(D)~~] ethical standards; and

23 (5) [~~(E)~~] general principles of appraisal,
24 accounting, and law as they relate to property tax consulting
25 services [~~, and~~

26 [~~(2) be graded according to rules adopted by the~~
27 ~~commission~~].

1 (e) An attorney who is licensed to practice law in this
2 state may take the senior property tax consultant registration
3 examination under this section without completing any other
4 eligibility requirements for registration as a senior property tax
5 consultant under this chapter.

6 (f) The department shall accept, develop, or contract for
7 the examinations required by this section, including the
8 administration of the examination.

9 SECTION 4. Chapter 1152, Occupations Code, is amended by
10 adding Subchapter E-1 to read as follows:

11 SUBCHAPTER E-1. PROHIBITED ACTS

12 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person
13 required to register under this chapter may not serve as a
14 registered senior property tax consultant for more than 10
15 registered property tax consultants.

16 (b) A person required to register under this chapter may not
17 file a protest under Chapter 41, Tax Code, without the approval of
18 the property owner.

19 (c) A person required to register under this chapter may not
20 falsify an agent appointment, exemption application, protest, or
21 other legal document that is filed with or presented to an appraisal
22 district, an appraisal review board, or a taxing unit.

23 (d) A person required to register under this chapter may not
24 file a motion or protest concerning residential property on behalf
25 of a person whom the registrant does not represent unless the
26 registrant has authorization from:

27 (1) that person; or

1 (2) another person, other than the agent or the firm
2 that employs the agent, who is authorized by the person to designate
3 agents under Section 1.111, Tax Code.

4 Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS
5 AND ADVERTISING. (a) A person required to register under this
6 chapter may not, in a public solicitation for business, represent
7 that the fee for services rendered includes the hiring of legal
8 services.

9 (b) A person required to register under this chapter may not
10 solicit a property tax consulting assignment by assuring a specific
11 outcome.

12 Sec. 1152.233. PROHIBITED ACTS: USE OF INTERNET WEBSITE.
13 (a) A person required to register under this chapter may not
14 maintain an Internet website for any purpose associated with the
15 provision of tax consulting services by the registrant that has a
16 domain name or other Internet address that implies that the website
17 is a government website.

18 (b) A person required to register under this chapter may not
19 use or maintain an Internet website for the purpose of soliciting
20 clients if the website does not identify the company prominently on
21 the home page of the website.

22 Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. A
23 person required to register under this chapter may not engage the
24 services of an attorney for purposes of filing an appeal under
25 Chapter 42, Tax Code, without the prior consent of the client.

26 SECTION 5. Not later than December 31, 2009, the executive
27 director of the Texas Commission of Licensing and Regulation shall

1 accept, develop, or contract for the property tax consultant
2 examination required by Section 1152.160, Occupations Code, as
3 amended by this Act.

4 SECTION 6. The change in law made by this Act to Section
5 1152.156(a), Occupations Code, applies only to an application for
6 registration as a property tax consultant that is submitted to the
7 Texas Department of Licensing and Regulation on or after March 1,
8 2010. An application for registration submitted before that date
9 is governed by the law in effect at the time the application was
10 submitted, and the former law is continued in effect for that
11 purpose.

12 SECTION 7. (a) Except as provided by Subsection (b) of this
13 section, this Act takes effect September 1, 2009.

14 (b) Section 1152.152(c), Occupations Code, and Subchapter
15 E-1, Chapter 1152, Occupations Code, as added by this Act, take
16 effect January 1, 2010.