

AN ACT

relating to the regulation of property tax consultants.

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

SECTION 1. Section 1152.156(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.

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

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

(1) adopt an examination for registration as a senior

1 property tax consultant; ~~and~~

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

4 (3) establish the standards for passing the  
5 examinations ~~[examination]~~.

6 (b) The department shall offer the examinations  
7 ~~[examination]~~ at times and places designated by the executive  
8 director.

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

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

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

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

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

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

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

17 (5) ~~[(E)]~~ general principles of appraisal,  
18 accounting, and law as they relate to property tax consulting  
19 services ~~[, and~~

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

22 (e) An attorney who is licensed to practice law in this  
23 state may take the senior property tax consultant registration  
24 examination under this section without completing any other  
25 eligibility requirements for registration as a senior property tax  
26 consultant under this chapter.

27 (f) The department shall accept, develop, or contract for

1 the examinations required by this section, including the  
2 administration of the examination.

3 SECTION 3. Chapter 1152, Occupations Code, is amended by  
4 adding Subchapter E-1 to read as follows:

5 SUBCHAPTER E-1. PROHIBITED ACTS

6 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person  
7 required to register under this chapter may not serve as a  
8 registered senior property tax consultant for more than 10  
9 registered property tax consultants unless each additional tax  
10 consultant sponsored or supervised by the registered senior  
11 property tax consultant has for the previous six months:

12 (1) been employed and engaged as a tax consultant on a  
13 full-time basis;

14 (2) performed tax consultant related services as an  
15 employee of a property owner; or

16 (3) performed licensed appraisal services.

17 (b) Except for protests filed with the approval of a lessee  
18 under Section 41.413, Tax Code, a person required to register under  
19 this chapter may not file a protest under Chapter 41, Tax Code,  
20 without the approval of the property owner.

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

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

1 registrant has authorization from:

2 (1) that person; or

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

6 Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS.

7 A person required to register under this chapter may not solicit a  
8 property tax consulting assignment by assuring a specific outcome.

9 Sec. 1152.233. PROHIBITED ACTS: USE OF INTERNET WEBSITE.

10 (a) A person required to register under this chapter may not  
11 maintain an Internet website for any purpose associated with the  
12 provision of tax consulting services by the registrant that has a  
13 domain name or other Internet address that implies that the website  
14 is a government website.

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

19 Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. A

20 person required to register under this chapter may not engage the  
21 services of an attorney for purposes of filing an appeal under  
22 Chapter 42, Tax Code, without the prior consent of the client.

23 SECTION 4. Not later than December 31, 2009, the executive  
24 director of the Texas Commission of Licensing and Regulation shall  
25 accept, develop, or contract for the property tax consultant  
26 examination required by Section 1152.160, Occupations Code, as  
27 amended by this Act.

1           SECTION 5. The change in law made by this Act to Section  
2 1152.156(a), Occupations Code, applies only to an application for  
3 registration as a property tax consultant that is submitted to the  
4 Texas Department of Licensing and Regulation on or after March 1,  
5 2010. An application for registration submitted before that date  
6 is governed by the law in effect at the time the application was  
7 submitted, and the former law is continued in effect for that  
8 purpose.

9           SECTION 6. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 2009.

11           (b) Subchapter E-1, Chapter 1152, Occupations Code, as  
12 added by this Act, takes effect January 1, 2010.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2591 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2591 on May 23, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2591 on May 31, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

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Chief Clerk of the House

H.B. No. 2591

I certify that H.B. No. 2591 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 30, Nays 0, 1 present, not voting; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2591 on May 31, 2009, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

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

Date

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Governor