

By: Thompson

H.B. No. 2591

Substitute the following for H.B. No. 2591:

By: Hamilton

C.S.H.B. No. 2591

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the regulation of property tax consultants.

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

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

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

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

12 (a) In addition to satisfying the requirements of Section
13 1152.155, an applicant for registration as a property tax
14 consultant must:

15 (1) complete at least 40 [~~15~~] classroom hours of
16 educational courses approved by the executive director, including
17 at least four hours of instruction on laws and legal issues in this
18 state related to property tax consulting services and pass a
19 competency examination under Section 1152.161; or

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

1 SECTION 3. Subchapter D, Chapter 1152, Occupations Code, is
2 amended by adding Section 1152.161 to read as follows:

3 Sec. 1152.161. PROPERTY TAX CONSULTANT REGISTRATION
4 EXAMINATION. (a) The executive director shall:

5 (1) adopt a competency examination for registration
6 as a property tax consultant; and

7 (2) establish the standards for grading and passing
8 the examination.

9 (b) To be eligible to take the examination, an applicant
10 must pay to the department an examination fee.

11 (c) The examination must:

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

13 (A) property taxation;

14 (B) the property tax system;

15 (C) property tax administration;

16 (D) ethical standards; and

17 (E) general principles of appraisal, accounting,
18 and law as they relate to property tax consulting services; and

19 (2) be graded according to rules adopted by the
20 commission.

21 (d) The department shall offer the examination at times and
22 places designated by the executive director.

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

25 SUBCHAPTER E-1. PROHIBITED ACTS

26 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person
27 required to register under this chapter may not serve as a

1 registered senior property tax consultant for more than 10
2 registered property tax consultants.

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

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

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

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

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

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

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

27 (a) A person required to register under this chapter may not

1 maintain an Internet website for any purpose associated with the
2 provision of tax consulting services by the registrant that has a
3 domain name or other Internet address that implies that the website
4 is a government website.

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

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

13 SECTION 5. Not later than December 31, 2009, the executive
14 director of the Texas Commission of Licensing and Regulation shall
15 adopt the examination required by Section 1152.161, Occupations
16 Code, as added by this Act.

17 SECTION 6. The change in law made by this Act to Section
18 1152.156(a), Occupations Code, applies only to an application for
19 registration as a property tax consultant that is submitted to the
20 Texas Department of Licensing and Regulation on or after March 1,
21 2010. An application for registration submitted before that date
22 is governed by the law in effect at the time the application was
23 submitted, and the former law is continued in effect for that
24 purpose.

25 SECTION 7. This Act takes effect January 1, 2010.