

By: Thompson

H.B. No. 2591

A BILL TO BE ENTITLED

AN ACT

relating to certain prohibited acts by registered property tax consultants.

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

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

SUBCHAPTER E-1. PROHIBITED ACTS

Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person required to register under this chapter may not appear at an appraisal review board hearing acting under a registered senior property tax consultant unless the property tax consultant has, for at least the two years preceding the date of the hearing:

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

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

(3) performed appraisal services under a registration under Chapter 1151.

(b) A person required to register under this chapter may not mail or provide on an Internet website, as part of a public solicitation of business, a retainer agreement or fee agreement.

(c) A person required to register under this chapter may not serve as a registered senior property tax consultant for more than 10 registered property tax consultants.

1 (d) A person required to register under this chapter may not
2 sign a request for arbitration, or make an arbitration deposit on
3 behalf of a property owner, under Section 41A.03, Tax Code.

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

7 (f) A person required to register under this chapter may not
8 be a party to, or benefit from, the forgery, alteration, or changing
9 of an agent appointment, exemption application, protest, or other
10 legal document that is filed with or presented to an appraisal
11 district, an appraisal review board, or a taxing unit.

12 (g) A person required to register under this chapter may not
13 file a motion or protest concerning residential property on behalf
14 of a person who the registrant does not represent unless:

15 (1) the registrant has written authorization by
16 e-mail, facsimile, letter, or any other written medium from:

17 (A) that person; or

18 (B) another person, other than the agent or the
19 firm that employs the agent, who is authorized by the person to
20 designate agents under Section 1.111, Tax Code, at the time the
21 motion or protest is filed; and

22 (2) the registrant retains a copy of the person's
23 written authorization, for inspection by the department on request,
24 until at least the second anniversary of the date of the
25 representation.

26 Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS
27 AND ADVERTISING. (a) Unless the recipient of the communication is

1 another registrant, or has a family, close personal, or prior
2 professional relationship with the registrant, a person required to
3 register under this chapter may not solicit professional employment
4 from a prospective client in a written, recorded, or electronic
5 communication without including the words "advertising material"
6 on the outside envelope, if any, and at the beginning and ending of
7 any recorded or electronic communication.

8 (b) A person required to register under this chapter may
9 not, in a public solicitation for business:

10 (1) offer economic incentives based on the success or
11 lack of success of the representation; or

12 (2) represent that the fee for services rendered
13 includes the hiring of legal services.

14 (c) A person required to register under this chapter may
15 not, as part of a solicitation for professional employment from a
16 prospective client who has not affirmatively indicated an interest
17 in receiving solicitations from the registrant, provide any
18 analysis or characterization of the appraisal or level of taxation
19 of the person's property unless the registrant:

20 (1) has conducted an appraisal of the property in
21 compliance with the Uniform Standards of Professional Appraisal
22 Practice, as applicable to the year to which the appraisal applies;

23 (2) certifies in the communication that the appraisal
24 was conducted as provided by Subdivision (1); and

25 (3) maintains a copy of the communication, the
26 appraisal, and the certification for inspection by the department
27 for at least two years.

1 (d) A person required to register under this chapter may not
2 solicit a property tax consulting assignment by assuring a specific
3 outcome.

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

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

10 (b) A person required to register under this chapter may not
11 use or maintain an Internet website for the purpose of soliciting
12 clients if the website does not identify the registrant prominently
13 on the home page of the website.

14 Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. (a)
15 A person required to register under this chapter may not:

16 (1) engage the services of an attorney for purposes of
17 filing an appeal under Chapter 42, Tax Code, without the prior
18 written consent of the client; or

19 (2) pay, offer to pay, contract to pay, or advance the
20 payment of a filing fee for purposes of filing an appeal under
21 Chapter 42, Tax Code.

22 (b) A person required to register under this chapter may not
23 appear as a designated expert witness in an appeal under Chapter 42,
24 Tax Code, in which a remedy under Section 42.26, Tax Code, is sought
25 if the person or the person's employer represented the owner of the
26 property that is the subject of the appeal at the protest before the
27 appraisal review board, unless the property tax consultant:

1 (1) is registered under Chapter 1151 as an appraiser;
2 and
3 (2) holds an industry-recognized national appraisal
4 designation.

5 (c) A person required to register under this chapter may
6 not:

7 (1) solicit a client for an attorney for the purpose of
8 filing an appeal under Chapter 42, Tax Code, in a manner that
9 results in compensation to the property tax consultant; or

10 (2) recommend an attorney for the purpose of filing an
11 appeal under Chapter 42, Tax Code, if the property tax consultant
12 receives compensation in connection with the appeal.

13 SECTION 2. This Act takes effect September 1, 2009.