

1-1 By: Thompson (Senate Sponsor - Hegar) H.B. No. 2591
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 April 28, 2009, read first time and referred to Committee on
1-4 Finance; May 13, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 13, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2591 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of property tax consultants.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 1152.156(a), Occupations Code, is
1-13 amended to read as follows:
1-14 (a) In addition to satisfying the requirements of Section
1-15 1152.155, an applicant for registration as a property tax
1-16 consultant must:
1-17 (1) complete at least 40 [~~15~~] classroom hours of
1-18 educational courses approved by the executive director, including
1-19 at least four hours of instruction on laws and legal issues in this
1-20 state related to property tax consulting services and pass a
1-21 competency examination under Section 1152.160; or
1-22 (2) if the person is eligible for registration under
1-23 Section 1152.155(b), submit to the commission evidence that the
1-24 applicant has completed at least four classroom hours of
1-25 educational programs or courses on the laws and legal issues in this
1-26 state related to property tax consulting services.
1-27 SECTION 2. Section 1152.160, Occupations Code, is amended
1-28 to read as follows:
1-29 Sec. 1152.160. [~~SENIOR PROPERTY TAX CONSULTANT~~]
1-30 REGISTRATION EXAMINATIONS [~~EXAMINATION~~]. (a) The executive
1-31 director shall:
1-32 (1) adopt an examination for registration as a senior
1-33 property tax consultant; [~~and~~]
1-34 (2) adopt an examination for registration as a
1-35 property tax consultant; and
1-36 (3) establish the standards for passing the
1-37 examinations [~~examination~~].
1-38 (b) The department shall offer the examinations
1-39 [~~examination~~] at times and places designated by the executive
1-40 director.
1-41 (c) To be eligible to take an [~~the~~] examination, an
1-42 applicant must pay to the department an examination fee.
1-43 (d) The examination must [~~+~~]
1-44 [~~(1)~~] test the applicant's knowledge of:
1-45 (1) [~~(A)~~] property taxation;
1-46 (2) [~~(B)~~] the property tax system;
1-47 (3) [~~(C)~~] property tax administration;
1-48 (4) [~~(D)~~] ethical standards; and
1-49 (5) [~~(E)~~] general principles of appraisal,
1-50 accounting, and law as they relate to property tax consulting
1-51 services [~~, and~~]
1-52 [~~(2) be graded according to rules adopted by the~~
1-53 ~~commission~~].
1-54 (e) An attorney who is licensed to practice law in this
1-55 state may take the senior property tax consultant registration
1-56 examination under this section without completing any other
1-57 eligibility requirements for registration as a senior property tax
1-58 consultant under this chapter.
1-59 (f) The department shall accept, develop, or contract for
1-60 the examinations required by this section, including the
1-61 administration of the examination.
1-62 SECTION 3. Chapter 1152, Occupations Code, is amended by
1-63 adding Subchapter E-1 to read as follows:
1-64 SUBCHAPTER E-1. PROHIBITED ACTS
1-65 Sec. 1152.231. GENERAL PROHIBITED ACTS. (a) A person

2-1 required to register under this chapter may not serve as a
2-2 registered senior property tax consultant for more than 10
2-3 registered property tax consultants unless each additional tax
2-4 consultant sponsored or supervised by the registered senior
2-5 property tax consultant has for the previous six months:

2-6 (1) been employed and engaged as a tax consultant on a
2-7 full-time basis;

2-8 (2) performed tax consultant related services as an
2-9 employee of a property owner; or

2-10 (3) performed licensed appraisal services.

2-11 (b) Except for protests filed with the approval of a lessee
2-12 under Section 41.413, Tax Code, a person required to register under
2-13 this chapter may not file a protest under Chapter 41, Tax Code,
2-14 without the approval of the property owner.

2-15 (c) A person required to register under this chapter may not
2-16 falsify an agent appointment, exemption application, protest, or
2-17 other legal document that is filed with or presented to an appraisal
2-18 district, an appraisal review board, or a taxing unit.

2-19 (d) A person required to register under this chapter may not
2-20 file a motion or protest concerning residential property on behalf
2-21 of a person whom the registrant does not represent unless the
2-22 registrant has authorization from:

2-23 (1) that person; or

2-24 (2) another person, other than the agent or the firm
2-25 that employs the agent, who is authorized by the person to designate
2-26 agents under Section 1.111, Tax Code.

2-27 Sec. 1152.232. PROHIBITED ACTS: SOLICITATION OF BUSINESS
2-28 AND ADVERTISING. (a) A person required to register under this
2-29 chapter may not solicit a property tax consulting assignment by
2-30 assuring a specific outcome.

2-31 (b) A person required to register under this chapter may not
2-32 solicit a client for an attorney for the purpose of filing an appeal
2-33 under Chapter 42, Tax Code, if the solicitation results in
2-34 compensation to the person. This subsection does not apply to a tax
2-35 consultant who retains an attorney for an appeal with client
2-36 approval.

2-37 Sec. 1152.233. PROHIBITED ACTS: USE OF INTERNET WEBSITE.

2-38 (a) A person required to register under this chapter may not
2-39 maintain an Internet website for any purpose associated with the
2-40 provision of tax consulting services by the registrant that has a
2-41 domain name or other Internet address that implies that the website
2-42 is a government website.

2-43 (b) A person required to register under this chapter may not
2-44 use or maintain an Internet website for the purpose of soliciting
2-45 clients if the website does not identify the company prominently on
2-46 the home page of the website.

2-47 Sec. 1152.234. PROHIBITED ACTS: CERTAIN LEGAL ACTIONS. A
2-48 person required to register under this chapter may not engage the
2-49 services of an attorney for purposes of filing an appeal under
2-50 Chapter 42, Tax Code, without the prior consent of the client.

2-51 SECTION 4. Not later than December 31, 2009, the executive
2-52 director of the Texas Commission of Licensing and Regulation shall
2-53 accept, develop, or contract for the property tax consultant
2-54 examination required by Section 1152.160, Occupations Code, as
2-55 amended by this Act.

2-56 SECTION 5. The change in law made by this Act to Section
2-57 1152.156(a), Occupations Code, applies only to an application for
2-58 registration as a property tax consultant that is submitted to the
2-59 Texas Department of Licensing and Regulation on or after March 1,
2-60 2010. An application for registration submitted before that date
2-61 is governed by the law in effect at the time the application was
2-62 submitted, and the former law is continued in effect for that
2-63 purpose.

2-64 SECTION 6. (a) Except as provided by Subsection (b) of this
2-65 section, this Act takes effect September 1, 2009.

2-66 (b) Subchapter E-1, Chapter 1152, Occupations Code, as
2-67 added by this Act, takes effect January 1, 2010.

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