By:  Button, et al. (Senate Sponsor - Perry) H.B. No. 2217

(In the Senate - Received from the House April 24, 2023; April 24, 2023, read first time and referred to Committee on Business & Commerce; May 10, 2023, reported favorably by the following vote: Yeas 11, Nays 0; May 10, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of public accountancy.

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

SECTION 1.  Section 901.002(a)(7), Occupations Code, is amended to read as follows:

(7)  "Corporation" has the meaning assigned by Section 1.002, Business Organizations Code. The term includes an entity [~~means a corporation~~] authorized by [~~a statute applicable to this state or by~~] an equivalent law of another state or a foreign country [~~, including a professional public accounting corporation organized under The Texas Professional Corporation Act (Article 1528e, Vernon's Texas Civil Statutes)~~].

SECTION 2.  Section 901.252, Occupations Code, is amended to read as follows:

Sec. 901.252.  ELIGIBILITY REQUIREMENTS. To be eligible to receive a certificate, a person must:

(1)  satisfy the requirements of Section 901.253;

(2)  meet the education requirements established under Section 901.254 [~~or 901.255~~];

(3)  pass the uniform CPA examination;

(4)  meet the work experience requirements established under Section 901.256; and

(5)  pass an examination on the rules of professional conduct as determined by board rule.

SECTION 3.  Section 901.304(a), Occupations Code, is amended to read as follows:

(a)  For each examination or reexamination, the board by rule shall apportion an amount of the total examination fee among the parts of the examination that an applicant is eligible to take on a particular examination date. For each examination or reexamination, the board shall collect from each applicant a fee set by board rule not to exceed the cost of administering the parts of the examination that the applicant is eligible to take.

SECTION 4.  The heading to Section 901.310, Occupations Code, is amended to read as follows:

Sec. 901.310.  PASSAGE OF [~~CONDITIONAL~~] EXAMINATION [~~CREDIT~~].

SECTION 5.  Section 901.310(c), Occupations Code, is amended to read as follows:

(c)  The board shall consider a person to have passed an examination if the person receives credit for each subject within the time prescribed by the board [~~by receiving conditional credit after September 1, 1989, and passing the remaining subjects within the six consecutive examinations following the examination for which the person receives conditional credit~~].

SECTION 6.  Section 901.311, Occupations Code, is amended to read as follows:

Sec. 901.311.  RESTRUCTURE OF EXAMINATION. On the restructuring of [~~If~~] the uniform CPA examination [~~is restructured~~], the board by rule shall determine the manner in which credit for a subject is integrated into the new structure.

SECTION 7.  Section 901.355(a), Occupations Code, is amended to read as follows:

(a)  The holder of a certificate, license, or degree authorizing the person to practice public accountancy in a foreign country who on or before September 1, 2023, registered [~~may register~~] with the board as the holder of a certificate, license, or degree issued by the foreign country may continue to practice in this state under that registration for as long as the person stays in compliance with the provisions of this chapter and board rules applicable to the person[~~, if the board determines that the standards under which the applicant was certified or otherwise authorized to practice public accountancy were at least as high as the standards of this state at the time that authority was granted~~].

SECTION 8.  Section 901.404, Occupations Code, is amended to read as follows:

Sec. 901.404.  NOTICE OF LICENSE EXPIRATION. (a) Not later than the 30th day before the expiration date of a person's license, the board shall send written or electronic notice of the impending license expiration to the person at the person's last known address or e-mail address according to the board's records.

(b)  The board shall determine the amount of the renewal fee and shall provide written or electronic [~~mail~~] notice of that amount to the person within the time provided by Subsection (a).

SECTION 9.  The heading to Section 901.457, Occupations Code, is amended to read as follows:

Sec. 901.457.  ACCOUNTANT-CLIENT CONFIDENTIALITY [~~PRIVILEGE~~].

SECTION 10.  Section 901.656(b), Occupations Code, is amended to read as follows:

(b)  The board may award a scholarship under this subchapter only to an eligible student who intends to take the uniform CPA [~~written~~] examination conducted by the board for the purpose of granting a certificate of "certified public accountant." An applicant for a scholarship under this subchapter shall state such an intent by filing a form provided by the board stating an intent to take the examination.

SECTION 11.  Section 33.01(15-a), Penal Code, is amended to read as follows:

(15-a)  "Privileged information" means:

(A)  protected health information, as that term is defined by Section 182.002, Health and Safety Code;

(B)  information that is subject to the attorney-client privilege; or

(C)  information that is subject to [~~the~~] accountant-client confidentiality [~~privilege~~] under Section 901.457, Occupations Code, or other law, if the information is on a computer, computer network, or computer system owned by a person possessing a license issued under Subchapter H, Chapter 901, Occupations Code.

SECTION 12.  The following provisions of the Occupations Code are repealed:

(1)  Section 901.054(b);

(2)  Section 901.255;

(3)  Sections 901.310(a) and (b); and

(4)  Sections 901.355(b) and (c).

SECTION 13.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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