

BILL ANALYSIS

Senate Research Center
79R9976 JMM-F

H.B. 808
By: Driver (Brimer)
Business & Commerce
5/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the Private Security Act, Chapter 1702, Occupations Code, applies to any person who conducts an investigation if the investigation involves a person, or the affairs of a person, who is not employed by the same employer as the person conducting the investigation and the investigation is not conducted on the premises of the employer.

Section 1702.324(b), Occupations Code, sets forth certain exceptions from coverage of the Act. The exceptions include manufacturers and manufacturers' representatives, credit checkers, debt collectors, repossessioners, certain locksmiths, persons who conduct psychological testing, licensed professional engineers, cattle association employees, landmen, attorneys, and insurance professionals,

Certified public accountants and their firms are required to be licensed under the Texas Public Accountancy Act (TPAA), Chapter 901, Occupations Code, and are not exempted from the Private Security Act, resulting in a requirement of dual licensure. As CPAs are regulated by the Texas State Board of Public Accountancy, they should be exempted from coverage of the Private Security Act in the same manner that professional licensed engineers, attorneys, and other licensed professionals are exempted.

H.B. 808 exempts from the requirements of the Private Security Act a person licensed as an accountant and engaged in the practice of public accountancy under Chapter 901, Occupations Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts and amends Section 1702.324(b), Occupations Code, as amended by Chapters 936, 1237, and 1276, Acts of the 78th Legislature, Regular Session, 2003, to provide that this chapter (Private Security) does not apply to a person or firm licensed as an accountant or accounting firm under Chapter 901 (Accountants), an owner of an accounting firm, or an employee of an accountant or accounting firm.

SECTION 2. Provides that, to the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 3. Effective date: upon passage or September 1, 2005.