

House Bill 2240

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for State Board of Tax Practitioners)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes State Board of Tax Practitioners to adopt rules pursuant to Administrative Procedures Act. Increases maximum amount of fees that may be prescribed by board.

A BILL FOR AN ACT

1
2 Relating to authority of State Board of Tax Practitioners; amending ORS 673.685 and 673.730.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 673.685 is amended to read:

5 673.685. The fees for licenses and registrations issued, renewed, reactivated or otherwise[,] and
6 for examinations under ORS 673.605 to 673.740 shall be prescribed by the State Board of Tax Prac-
7 titioners but shall not exceed [*the following*]:

8 (1) For application for examination for a tax consultant's license, [*\$70*] **\$85**.

9 (2) For application for examination for a tax preparer's license, [*\$40*] **\$50**.

10 (3) For issuance or renewal of a tax consultant's license, [*\$75*] **\$95**.

11 (4) For issuance or renewal of a tax preparer's license, [*\$65*] **\$80**.

12 (5) For issuance or renewal of a tax consultant's inactive license, \$50.

13 (6) For issuance or renewal of a tax preparer's inactive license, \$35.

14 (7) For reactivation of a tax consultant's inactive license, [*\$75; for reactivation of a tax preparer's*
15 *inactive license, \$65*] **\$95**.

16 **(8) For reactivation of a tax preparer's inactive license, \$80.**

17 [*(8)*] **(9) For restoration of lapsed license, [*\$25*] \$35.**

18 [*(9)*] **(10) For issuance or replacement of a duplicate license, \$10.**

19 [*(10)*] **(11) For issuance of a replacement or duplicate tax consultant certificate, \$15.**

20 [*(11)*] **(12) For registration or registration renewal for a sole proprietorship, partnership, corpo-**
21 **ration or other legal entity, [*\$95*] \$110.**

22 [*(12)*] **(13) For issuance or renewal of a combined tax consultant's or tax preparer's license and**
23 **registration for a sole proprietorship, partnership, corporation or other legal entity, [*\$120*] \$155.**
24 Eligibility for a combined license shall be determined under rules adopted by the board.

25 [*(13)*] **(14) For annual registration of a branch office of a sole proprietorship, partnership, cor-**
26 **poration or other legal entity, [*\$5*] \$10.**

27 **SECTION 2.** ORS 673.730 is amended to read:

28 673.730. The State Board of Tax Practitioners shall have the following powers, in addition to the
29 powers otherwise granted by ORS 673.605 to 673.740, and shall have all powers necessary or proper
30 to carry the granted powers into effect:

31 (1) To determine qualifications of applicants for licensing as a tax consultant or a tax preparer

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 in this state; to cause examinations to be prepared, conducted and graded; and to issue licenses to
 2 qualified applicants upon their compliance with ORS 673.605 to 673.740 and the rules of the board.

3 (2)(a) To restore the license of any tax consultant or preparer whose license has been suspended
 4 or revoked.

5 (b) The power of the board to suspend any license under ORS 673.700 includes the power to
 6 restore:

7 (A) At a time certain; or

8 (B) When the person subject to suspension fulfills conditions for reissuance set by the board.

9 (c) The power of the board to restore a license under paragraph (a) of this subsection specif-
 10 ically includes the power to restore a license suspended or revoked for the reason that the person
 11 has been convicted of a crime. In making a determination to restore a license, the board shall con-
 12 sider the relationship of the facts which supported the conviction to the code of professional conduct
 13 and all intervening circumstances in determining the fitness of the person to receive or hold a tax
 14 consultant's or tax preparer's license.

15 (3) To prescribe fees, subject to ORS 673.685, and to collect fees.

16 (4) To investigate alleged violations of ORS 673.605 to 673.740, or any rule or order adopted
 17 thereunder. The board may keep information gathered pursuant to an investigation by the board
 18 confidential until there is a final order or determination by the board, unless disclosure is consid-
 19 ered necessary by the board for the investigation or prosecution of an alleged violation of ORS
 20 673.605 to 673.740, or any rule or order adopted thereunder. The board may keep personal financial
 21 information gathered pursuant to an investigation by the board confidential after a final order or
 22 determination by the board, unless disclosure is considered necessary by the board for the investi-
 23 gation or prosecution of an alleged violation of ORS 673.605 to 673.740, or any rule or order adopted
 24 thereunder. For purposes of this subsection, personal financial information includes but is not lim-
 25 ited to tax returns.

26 (5) To enforce the provisions of ORS 673.605 to 673.740 and to exercise general supervision over
 27 tax consultant and tax preparer practice.

28 (6) To issue an order directed to a person to cease and desist from any violation or threatened
 29 violation of ORS 673.615, 673.643, 673.705 or 673.712, or any rule or order adopted thereunder, if the
 30 board has reason to believe that a person has been engaged, is engaging or is about to engage in
 31 any violation of ORS 673.615, 673.643, 673.705 or 673.712, or any rule or order adopted thereunder.

32 (7) To assess civil penalties within a cease and desist order issued under subsection (6) of this
 33 section if the board has reason to believe that a person has been engaged or is engaging in any vi-
 34 olation of ORS 673.615, 673.643, 673.705 or 673.712, or any rule or order adopted thereunder. The
 35 civil penalty may not exceed \$5,000 per violation.

36 (8) To formulate a code of professional conduct for tax consultants and tax preparers.

37 (9) To assess against the licensee or any other person found guilty of violating any provision
 38 of ORS 673.605 to 673.740, or any rule or order adopted thereunder, in addition to any other sanc-
 39 tions, the costs associated with the disciplinary or other action taken by the board.

40 (10) To order that any person who has engaged in or is engaging in any violation of ORS 673.605
 41 to 673.740, or any rule or order adopted thereunder, shall offer to rescind and pay restitution to
 42 anyone harmed by the violation who seeks rescission.

43 **(11) To adopt rules pursuant to ORS chapter 183 necessary to carry out the provisions**
 44 **of ORS 673.605 to 673.740.**