

1 AN ACT
2 relating to exempting an accountant from regulation as a private
3 investigator.

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

5 SECTION 1. Section 1702.324(b), Occupations Code, as
6 amended by Chapters 936, 1237, and 1276, Acts of the 78th
7 Legislature, Regular Session, 2003, is reenacted and amended to
8 read as follows:

9 (b) This chapter does not apply to:

10 (1) a manufacturer or a manufacturer's authorized
11 distributor who sells equipment to a license holder or registrant
12 that is used in the operations for which the person is required to
13 be licensed or registered;

14 (2) a person engaged exclusively in the business of
15 obtaining and providing information to:

16 (A) determine creditworthiness;

17 (B) collect debts; or

18 (C) ascertain the reliability of information
19 provided by an applicant for property, life, or disability
20 insurance or an indemnity or surety bond;

21 (3) a person engaged exclusively in the business of
22 repossessing property that is secured by a mortgage or other
23 security interest;

24 (4) a person who:

1 (A) is engaged in the business of psychological
2 testing or other testing and interviewing services, including
3 services to determine attitudes, honesty, intelligence,
4 personality, and skills, for preemployment purposes; and

5 (B) does not perform any other service that
6 requires a license under this chapter;

7 (5) a person who:

8 (A) is engaged in obtaining information that is a
9 public record under Chapter 552, Government Code, regardless of
10 whether the person receives compensation;

11 (B) is not a full-time employee, as defined by
12 Section 61.001, Labor Code, of a person licensed under this
13 chapter; and

14 (C) does not perform any other act that requires
15 a license under this chapter;

16 (6) a licensed engineer practicing engineering or
17 directly supervising engineering practice under Chapter 1001,
18 including forensic analysis, burglar alarm system engineering, and
19 necessary data collection;

20 (7) an employee of a cattle association who inspects
21 livestock brands under the authority granted to the cattle
22 association by the Grain Inspection, Packers and Stockyards
23 Administration of the United States Department of Agriculture;

24 (8) a landman performing activities in the course and
25 scope of the landman's business;

26 (9) an attorney while engaged in the practice of law;

27 (10) a person who obtains a document for use in

1 litigation under an authorization or subpoena issued for a written
2 or oral deposition;

3 (11) an admitted insurer, insurance adjuster, agent,
4 or insurance broker licensed by the state, performing duties in
5 connection with insurance transacted by that person;

6 (12) a person who on the person's own property or on
7 property owned or managed by the person's employer:

8 (A) installs, changes, or repairs a mechanical
9 security device;

10 (B) repairs an electronic security device; or

11 (C) cuts or makes a key for a security device;

12 [~~or~~]

13 (13) security personnel, including security contract
14 personnel, working at a commercial nuclear power plant licensed by
15 the United States Nuclear Regulatory Commission; or

16 (14) a person or firm licensed as an accountant or
17 accounting firm under Chapter 901, an owner of an accounting firm,
18 or an employee of an accountant or accounting firm.

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

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Jim Coddick

Speaker of the House

I certify that H.B. No. 808 was passed by the House on April 22, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 808 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Gau

Secretary of the Senate

APPROVED:

17 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM CLOCK

Roger Williams

Secretary of State