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SENATE BILL NO. 428

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact § 54.1-4413.2 of the Code of Virginia, relating to public accountants; issuance, renewal, and reinstatement of licenses.

Patron—Barker

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-4413.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-4413.2. Issuance, renewal, and reinstatement of licenses and lifting the suspension of privileges.

A. A Virginia license shall provide its holder with a 12-month the privilege to use the CPA title in Virginia or provide attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia.

B. If the A license granted pursuant to the provisions of this chapter shall be renewed as prescribed by the Board. Any license is not renewed by the end of the 12-month period, it pursuant to the provisions prescribed by the Board shall be considered to have expired and the person or firm shall be considered to no longer hold a Virginia license.

C. A person whose Virginia license expired may obtain a new Virginia license under subsection C of § 54.1-4409.2 if he holds the license of another state.

D. The license of a person whose Virginia license expired and who does not hold the license of another state may be reinstated under this subsection. In addition, a person whose privilege of using the CPA title in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of using the CPA title in Virginia, a person shall:

a. Disclose to the Board why he no longer holds a Virginia license or why his privilege of using the CPA title in Virginia was suspended;

b. Disclose to the Board each state in which he has held a license. For each of the states in which the person has held a license, the person shall disclose why he no longer holds a license and provide documentation from the board of accountancy concerning whether he has been found guilty of any violations of the standards of conduct and practice established by statutes of the state or regulations promulgated by the board; and

c. Describe his continuing professional education since his Virginia license expired or was suspended. The Board shall determine whether his continuing professional education complies with the continuing professional education requirement prescribed by the Board for that period.

2. After evaluating the information provided by the person, the Board may request additional information and may impose additional requirements for reinstatement of the Virginia license or lifting the suspension.

3. The Board shall communicate to the person its decision and, if the request for reinstatement or lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the person believes the matters affecting the request have been satisfactorily resolved. The person may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

E. The license of a firm whose Virginia license expired may be reinstated under this subsection. In addition, a firm whose privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended may have the suspension lifted under this subsection.

1. To be considered for reinstatement of a Virginia license or lifting the suspension of the privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia:

a. The firm shall disclose to the Board why it no longer holds a Virginia license or why its privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia was suspended.

b. The firm shall disclose to the Board each state in which it holds or has held a license.

c. For each of the states in which the firm holds a license, the firm shall provide documentation from the board of accountancy concerning whether it is in good standing with the board, whether there are

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59 any pending actions alleging violations of the standards of conduct and practice established by statutes
60 of the state or regulations promulgated by the board, and whether it has been found guilty of any
61 violations of these standards of conduct and practice.

62 d. For each of the states in which the firm has held a license, the firm shall disclose why it no
63 longer holds a license and provide documentation from the board of accountancy concerning whether it
64 has been found guilty of any violations of the standards of conduct and practice established by statutes
65 of the state or regulations promulgated by the board.

66 2. After evaluating the information provided by the firm, the Board may request additional
67 information and may impose additional requirements for reinstatement of the Virginia license or lifting
68 the suspension.

69 3. The Board shall communicate to the firm its decision and, if the request for reinstatement or
70 lifting the suspension is denied, the reasons for the denial. The request may be resubmitted when the
71 firm believes the matters affecting the request have been satisfactorily resolved. The firm may request a
72 proceeding in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

73 F. The Board shall consider granting the privilege of using the CPA title in Virginia, or the privilege
74 of providing attest services, compilation services, or financial statement preparation services to persons
75 or entities located in Virginia, to persons or firms that have had the privilege revoked only when the
76 person or firm demonstrates to the Board that there are special facts and circumstances that warrant
77 reconsideration by the Board of whether it should allow the person or firm to have the privilege.

78 **2. That an emergency exists and this act is in force from its passage.**

79 **3. That the Board of Accountancy (Board) shall promulgate regulations to implement the**
80 **provisions of this act, including provisions pertaining to the transition of current licenses to the**
81 **new issuance and renewal requirements, to be effective no later than July 1, 2018. The Board's**
82 **initial adoption of regulations necessary to implement the provisions of this act shall be exempt**
83 **from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the**
84 **Board shall provide an opportunity for public comment on regulations prior to adoption.**

85 **4. That any license issued or renewed by the Board of Accountancy between the effective date of**
86 **this act and June 30, 2018, shall expire on June 30, 2019.**