

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0348.01 Thomas Morris x4218

SENATE BILL 19-155

SENATE SPONSORSHIP

Williams A. and Priola, Tate

HOUSE SPONSORSHIP

Kraft-Tharp and Snyder, Bockenfeld, Buentello

Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

Business Affairs & Labor
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE STATE BOARD OF**
102 **ACCOUNTANCY, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
104 **2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Business, Labor, and Technology Committee. The bill implements the recommendations of the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 24, 2019

HOUSE
Amended 2nd Reading
April 23, 2019

SENATE
3rd Reading Unamended
April 11, 2019

SENATE
Amended 2nd Reading
April 10, 2019

of regulatory agencies' sunset review and report on the state board of accountancy by:

- ! Continuing the functions of the board for 11 years, until 2030 (**sections 1 and 2** of the bill);
- ! Making the use of fraudulent, coercive, or dishonest practices, or the demonstration of incompetence, untrustworthiness, or financial irresponsibility, grounds for discipline (**section 8**);
- ! Clarifying that foreign corporations operating a Colorado office must register with the board and adding "limited liability partnership" to the list of business types that must register (**section 7**);
- ! Permitting a chartered global management accountant who is not a certified public accountant to use the title "chartered global management accountant" and the abbreviation "C.G.M.A." if the person does not provide services that require certification (**sections 4 and 6**);
- ! Authorizing the board to take disciplinary action against uncertified or unregistered persons, including resident managers, if they provide services that require certification or registration (**section 8**);
- ! Allowing a person to request inactive status via any board-approved method (**section 5**); and
- ! Making technical changes (**sections 5, 9, and 10**).

Section 3 updates the names of several regional accrediting agencies.

Sections 11 through 19 make conforming amendments to harmonize the bill with House Bill 19-1172, the bill to recodify and reorganize title 12.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (16)(a)(IV); and **add** (31)(a)(II) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (16) (a) The following agencies, functions, or both,
7 will repeal on July 1, 2019:

8 (IV) ~~The state board of accountancy created in article 2 of title 12,~~

1 ~~C.R.S.~~,

2 (31) (a) The following agencies, functions, or both, are scheduled
3 for repeal on September 1, 2030:

4 (II) THE STATE BOARD OF ACCOUNTANCY CREATED IN ARTICLE 2
5 OF TITLE 12.

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-2-132 as
7 follows:

8 **12-2-132. Repeal of article.** (1) This ~~article~~ ARTICLE 2 is
9 repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2030.

10 (2) ~~Prior to such~~ BEFORE THE repeal, the state board of
11 accountancy ~~shall be reviewed as provided in~~ IS SCHEDULED FOR REVIEW
12 IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

13 **SECTION 3.** In Colorado Revised Statutes, 12-2-102, **amend** the
14 introductory portion and (1)(a) as follows:

15 **12-2-102. Definitions.** As used in this ~~article~~ ARTICLE 2, unless
16 the context otherwise requires:

17 (1) "Accredited college or university" means either:

18 (a) A college or university ~~which~~ THAT is accredited by one of the
19 following regional accrediting agencies OR THEIR SUCCESSOR AGENCIES:

20 (I) The Middle States Association of Colleges and Schools;

21 (II) The North Central Association of Colleges and Schools;

22 (III) The New England Association of Schools and Colleges;

23 (IV) The ~~northwest association of schools and colleges~~
24 NORTHWEST COMMISSION ON COLLEGES AND UNIVERSITIES;

25 (V) The Southern Association of Colleges and Schools;

26 (VI) The ACCREDITING COMMISSION FOR SCHOOLS, Western
27 Association of Schools and Colleges; or

1 **SECTION 4.** In Colorado Revised Statutes, 12-2-115, **amend**
2 (3)(a); and **add** (4)(c) as follows:

3 **12-2-115. Use of the title "certified public accountant".**

4 (3) (a) Except as authorized in subsection (4) of this section, a person
5 shall not assume or use the title or designation "certified public
6 accountant", the abbreviation "C.P.A.", or any other title, designation,
7 words, letters, abbreviation, sign, card, or device tending to indicate that
8 ~~such~~ THE person is a certified public accountant unless the person holds
9 a certificate as a certified public accountant issued under this ~~article~~
10 ARTICLE 2 or under the laws of any other state. A person who is inactive
11 pursuant to ~~section 12-2-122.5~~ SECTION 12-2-115.5 (2) may use the title
12 "inactive certified public accountant" or "inactive C.P.A."

13 (4) (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
14 CONTRARY, AN INDIVIDUAL SUBJECT TO SECTION 12-2-120 (6)(a)(II) MAY
15 USE AN ACCOUNTING DESIGNATION THAT INCLUDES THE WORD
16 "MANAGEMENT" CONFERRED BY A BONA FIDE NATIONALLY RECOGNIZED
17 ACCOUNTING ORGANIZATION, SUCH AS THE AMERICAN INSTITUTE OF
18 CPAs, THE CHARTERED INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR
19 THE INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR THEIR SUCCESSOR
20 ORGANIZATIONS, IF THE DESIGNATION DOES NOT PURPORT TO CONFER THE
21 RIGHT TO PERFORM AUDIT OR ATTEST SERVICES AS DEFINED BY ANY STATE
22 OR FOREIGN JURISDICTION.

23 **SECTION 5.** In Colorado Revised Statutes, **amend with**
24 **amended and relocated provisions** 12-2-115.5 as follows:

25 **12-2-115.5. Status - retired - inactive. (1) Retired status.**

26 (a) Any person who has received from the board and holds a certificate
27 of certified public accountant, including an expired certificate of certified

1 public accountant that remains subject to renewal, reactivation, or
2 reinstatement, may apply to the board for retired status. The board may
3 grant ~~such~~ RETIRED status by issuing a retired status certificate of certified
4 public accountant to any person who meets established conditions
5 prescribed by the board.

6 (2) (b) Any person issued a retired status certificate of certified
7 public accountant may be styled and known as a "retired certified public
8 accountant" or "retired C.P.A."

9 (3) (c) During ~~such~~ THE time as a certified public accountant
10 remains in a retired status, ~~such~~ THE person shall not perform those acts
11 set forth in section 12-2-120 (6)(a) and (6)(b). The board ~~shall retain~~
12 RETAINS jurisdiction over retired status certified public accountants.

13 (4) (2) [Formerly 12-2-122.5] Inactive status. (a) The holder of
14 a certificate of certified public accountant, upon ~~written~~ notice by first
15 class mail to the board IN ANY FORM OR MANNER DESIGNATED BY THE
16 BOARD, shall have ~~his or her~~ THE HOLDER'S name transferred to an
17 inactive list and shall not be required to comply with the continuing
18 education requirements for certificate renewal pursuant to section
19 12-2-119 so long as ~~he or she~~ THE HOLDER remains inactive. Each
20 inactive certificant shall register in the same manner as active certificate
21 holders and pay a fee pursuant to section 12-2-108 (3). ~~At such time as an~~
22 ~~inactive certificant wishes~~ To resume the practice of public accounting as
23 a certified public accountant, ~~he or she shall~~ THE HOLDER MUST file an
24 application, ~~therefor~~, meet any education requirements imposed by the
25 board, and pay a fee as established by the director of the division of
26 professions and occupations within the department of regulatory agencies.

27 (2) (b) During ~~such~~ THE time as a certified public accountant

1 remains in an inactive status, the certified public accountant shall not
2 perform those acts restricted to active certified public accountants
3 pursuant to section 12-2-120 (6)(a). The board ~~shall retain~~ RETAINS
4 jurisdiction over inactive certified public accountants for the purposes of
5 disciplinary action pursuant to section 12-2-123.

6 **SECTION 6. In Colorado Revised Statutes, 12-2-119, amend (5)**
7 **and (9) as follows:**

8 **12-2-119. Continuing education. (5) (a) As a condition of**
9 **renewing, reactivating, or reinstating a certificate of certified public**
10 **accountant, every applicant shall comply with continuing education**
11 **requirements adopted by the board.**

12 **(b) A NONRESIDENT CERTIFICATE HOLDER APPLYING TO RENEW,**
13 **REACTIVATE, OR REINSTATE A CERTIFICATE OF CERTIFIED PUBLIC**
14 **ACCOUNTANT ISSUED IN THIS STATE THAT DEMONSTRATES COMPLIANCE,**
15 **THROUGH AN ATTESTATION SUBMITTED WITH A RENEWAL, REACTIVATION,**
16 **OR REINSTATEMENT APPLICATION, WITH THE CONTINUING EDUCATION**
17 **REQUIREMENTS FOR RENEWAL, REACTIVATION, OR REINSTATEMENT OF A**
18 **CERTIFICATE IN THE STATE IN WHICH THE CERTIFICATE HOLDER'S**
19 **PRINCIPAL PLACE OF BUSINESS IS LOCATED IS DEEMED TO HAVE SATISFIED**
20 **THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION.**

21 **(9) The board shall determine in each case whether a holder of**
22 **certificate of certified public accountant has complied with continuing**
23 **education requirements adopted by the board OR HAS DEMONSTRATED**
24 **COMPLIANCE, IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION,**
25 **WITH THE CONTINUING EDUCATION REQUIREMENTS OF THE STATE IN**
26 **WHICH THE CERTIFICATE HOLDER'S PRINCIPAL PLACE OF BUSINESS IS**
27 **LOCATED.**

1 **SECTION 7.** In Colorado Revised Statutes, 12-2-120, **amend**
2 (6)(a)(II) introductory portion, (6)(e), and (9); and **add** (6)(a)(II)(C),
3 (6)(a)(II)(D), and (6)(a)(II)(E) as follows:

4 **12-2-120. Unlawful acts.** (6) (a) (II) ~~No~~ A person, partnership,
5 professional corporation, or limited liability company shall NOT, without
6 an active certificate of certified public accountant or a valid registration:

7 (C) OFFER AUDIT OR ATTEST SERVICES TO THE PUBLIC IF THE
8 INDIVIDUAL USES A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-2-115
9 (4)(c);

10 (D) ESTABLISH, PARTICIPATE IN, OR PROMOTE A BUSINESS THAT
11 USES A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-2-115 (4)(c)
12 IN ITS MARKETING IF THE BUSINESS IS NOT CURRENTLY REGISTERED
13 PURSUANT TO THIS ARTICLE 2; OR

14 (E) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, OFFER OR RENDER TAX SERVICES TO THE PUBLIC WHILE USING
16 A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-2-115 (4)(c), UNLESS
17 DOING SO WITHIN A PARTNERSHIP, PROFESSIONAL CORPORATION, OR
18 LIMITED LIABILITY COMPANY OF CERTIFIED PUBLIC ACCOUNTANTS THAT
19 HOLDS A REGISTRATION OR PERMIT ISSUED BY THE BOARD OF THIS STATE
20 OR ANOTHER STATE.

21 (e) ~~The provisions of paragraph (a) of this subsection (6) shall~~
22 ~~EXCEPT AS SET FORTH IN SUBSECTION (6)(a)(II)(E) OF THIS SECTION,~~
23 ~~SUBSECTION (6)(a) OF THIS SECTION DOES not prohibit the performance by~~
24 ~~persons other than certified public accountants of other services involving~~
25 ~~the use of accounting skills, including the preparation of tax returns and~~
26 ~~the preparation of financial statements without the expression of opinions~~
27 ~~or assurances thereon ON THE RETURNS OR STATEMENTS.~~

1 (9) EXCEPT AS SET FORTH IN SUBSECTION (6)(a)(II)(E) OF THIS
2 SECTION, nothing in this section shall be construed to prohibit any person
3 from preparing or assisting in the preparation of any report or tax return
4 to any agency of the federal, state, or local government or other political
5 subdivision if ~~such~~ THE preparation or assistance is otherwise permissible
6 under law or under the regulations of ~~such~~ THE agency or from affixing
7 the signature of the person or firm so preparing or assisting in the
8 preparation of any such report or return to ~~said~~ THE report or return.

9 **SECTION 8.** In Colorado Revised Statutes, 12-2-121, **amend**
10 (2)(a) as follows:

11 **12-2-121. Exceptions - acts not prohibited - rules.**

12 (2) (a) (I) Nothing in this ~~article shall prohibit~~ ARTICLE 2 PROHIBITS a
13 certified public accountant whose principal place of business is located
14 in another state or jurisdiction of the United States from practicing in this
15 state on professional business, as defined by rules promulgated by the
16 board. ~~Such~~ THE practice shall be conducted in conformity with rules
17 promulgated by the board.

18 (II) Notwithstanding the requirements of section 12-2-117, a
19 foreign partnership, corporation, limited partnership, LIMITED LIABILITY
20 PARTNERSHIP, limited liability limited partnership, or limited liability
21 company may engage in the practice of accountancy in this state without
22 registering with the board IF THE PRACTICE IS INCIDENT TO THE ENTITY'S
23 REGULAR PRACTICE OUTSIDE THIS STATE, AS DEFINED BY THE BOARD. THE
24 ENTITY SHALL CONDUCT THE PRACTICE IN CONFORMITY WITH RULES
25 PROMULGATED BY THE BOARD.

26 **SECTION 9.** In Colorado Revised Statutes, 12-2-123, **amend** (1)
27 introductory portion and (1)(j); and **add** (1)(s) as follows:

1 **12-2-123. Grounds for disciplinary action - administrative**
2 **penalties.** (1) After notice and hearing as provided in section 12-2-125,
3 the board may deny the issuance of, refuse to renew, revoke, or suspend
4 any certificate of a certified public accountant issued under this article 2
5 or any prior law of this state or may fine, issue a letter of admonition to,
6 or place on probation the holder of any certificate and impose other
7 conditions or limitations ON A PERSON for any of the following causes:

8 (j) ~~Providing public accounting services to the public for a fee~~
9 Without an active certificate of certified public accountant or a valid
10 registration:

11 (I) PROVIDING CERTIFIED PUBLIC ACCOUNTING SERVICES TO THE
12 PUBLIC FOR A FEE; or

13 (II) Acting as a ~~member, partner, or shareholder~~ RESIDENT
14 MANAGER of a ~~partnership or professional corporation~~ registered pursuant
15 AN ENTITY THAT IS SUBJECT to section 12-2-117;

16 (s) FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES OR
17 DEMONSTRATED INCOMPETENCE, UNTRUSTWORTHINESS, OR FINANCIAL
18 IRRESPONSIBILITY IN COLORADO, ANOTHER STATE, A UNITED STATES
19 TERRITORY, OR A FOREIGN COUNTRY.

20 **SECTION 10.** In Colorado Revised Statutes, 12-2-126, **amend**
21 (1)(b)(II)(A) as follows:

22 **12-2-126. Investigations, examinations, and cease-and-desist**
23 **orders against unlawful act.** (1) (b) (II) Upon completing an
24 investigation, the board shall make one of the following findings:

25 (A) The complaint is without ~~merit~~ MERIT, and no further action
26 need be taken.

27 **SECTION 11.** **Repeal of relocated provisions in this act.** In

1 Colorado Revised Statutes, **repeal** 12-2-122.5.

2 **SECTION 12**. In Colorado Revised Statutes, 12-100-103, **amend**
3 **as relocated by House Bill 19-1172** (1)(a) as follows:

4 **12-100-103. Definitions.** As used in this article 100, unless the
5 context otherwise requires:

6 (1) "Accredited college or university" means either:

7 (a) A college or university that is accredited by one of the
8 following regional accrediting agencies OR THEIR SUCCESSOR AGENCIES:

9 (I) The Middle States Association of Colleges and Schools;

10 (II) The North Central Association of Colleges and Schools;

11 (III) The New England Association of Schools and Colleges;

12 (IV) ~~The Northwest Association of Schools and Colleges~~
13 NORTHWEST COMMISSION ON COLLEGES AND UNIVERSITIES;

14 (V) The Southern Association of Colleges and Schools;

15 (VI) The ACCREDITING COMMISSION FOR SCHOOLS, Western
16 Association of Schools and Colleges; or

17 **SECTION 13**. In Colorado Revised Statutes, 12-100-112, **amend**
18 **as relocated by House Bill 19-1172** (3)(a); and **add as relocated by**
19 **House Bill 19-1172** (4)(c) as follows:

20 **12-100-112. Use of the title "certified public accountant".**

21 (3) (a) Except as authorized in subsection (4) of this section, a person
22 shall not assume or use the title or designation "certified public
23 accountant", the abbreviation "C.P.A.", or any other title, designation,
24 words, letters, abbreviation, sign, card, or device tending to indicate that
25 the person is a certified public accountant unless the person holds a
26 certificate as a certified public accountant issued under this article 100 or
27 under the laws of any other state. A person who is inactive pursuant to

1 section ~~12-100-119~~ 12-100-113 (2) may use the title "inactive certified
2 public accountant" or "inactive C.P.A."

3 (4) (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO
4 THE CONTRARY, AN INDIVIDUAL SUBJECT TO SECTION 12-100-116
5 (1)(a)(II) MAY USE AN ACCOUNTING DESIGNATION THAT INCLUDES THE
6 WORD "MANAGEMENT" CONFERRED BY A BONA FIDE NATIONALLY
7 RECOGNIZED ACCOUNTING ORGANIZATION, SUCH AS THE AMERICAN
8 INSTITUTE OF CPAs, THE CHARTERED INSTITUTE OF MANAGEMENT
9 ACCOUNTANTS, OR THE INSTITUTE OF MANAGEMENT ACCOUNTANTS, OR
10 THEIR SUCCESSOR ORGANIZATIONS, IF THE DESIGNATION DOES NOT
11 PURPORT TO CONFER THE RIGHT TO PERFORM AUDIT OR ATTEST SERVICES
12 AS DEFINED BY ANY STATE OR FOREIGN JURISDICTION.

13 **SECTION 14.** In Colorado Revised Statutes, **amend as relocated**
14 **by House Bill 19-1172 with amended and relocated provisions**
15 12-100-113 as follows:

16 **12-100-113. Status - retired - inactive. (1) Retired status.**

17 (a) Any person who has received from the board and holds a certificate
18 of certified public accountant, including an expired certificate of certified
19 public accountant that remains subject to renewal, reactivation, or
20 reinstatement, may apply to the board for retired status. The board may
21 grant retired status by issuing a retired status certificate of certified public
22 accountant to any person who meets established conditions prescribed by
23 the board.

24 ~~(2)~~ (b) Any person issued a retired status certificate of certified
25 public accountant may be styled and known as a "retired certified public
26 accountant" or "retired C.P.A."

27 ~~(3)~~ (c) During the time a certified public accountant remains in a

1 retired status, the person shall not perform those acts set forth in section
2 12-100-116 (1)(a) and (1)(b). The board ~~shall retain~~ RETAINS jurisdiction
3 over retired status certified public accountants.

4 ~~(1)~~ (2) **[Formerly 12-100-119] Inactive status.** (a) The holder of
5 a certificate of certified public accountant, upon ~~written~~ notice ~~by~~
6 ~~first-class mail~~ to the board IN ANY FORM OR MANNER DESIGNATED BY THE
7 BOARD, shall have ~~his or her~~ THE HOLDER'S name transferred to an
8 inactive list and shall not be required to comply with the continuing
9 education requirements for certificate renewal pursuant to section
10 12-100-115 so long as ~~he or she~~ THE HOLDER remains inactive. Each
11 inactive certificant shall register in the same manner as active certificate
12 holders and pay a fee pursuant to section 12-20-202 (1). ~~At such time as~~
13 ~~an inactive certificant wishes~~ To resume the practice of public accounting
14 as a certified public accountant, ~~he or she shall~~ THE HOLDER MUST file an
15 application, ~~therefor~~, meet any education requirements imposed by the
16 board, and pay a fee as established by the director.

17 ~~(2)~~ (b) During ~~such~~ THE time ~~as~~ a certified public accountant
18 remains in an inactive status, the certified public accountant shall not
19 perform those acts restricted to active certified public accountants
20 pursuant to section 12-100-116 (1)(a). The board ~~shall retain~~ RETAINS
21 jurisdiction over inactive certified public accountants for the purposes of
22 disciplinary action pursuant to section 12-100-120.

23 **SECTION 15. In Colorado Revised Statutes, 12-100-115, amend**
24 **as relocated by House Bill 19-1172 (1) and (5) as follows:**

25 **12-100-115. Continuing education - rules. (1) (a) As a**
26 **condition of renewing, reactivating, or reinstating a certificate of certified**
27 **public accountant, every applicant shall comply with continuing**

1 education requirements adopted by the board.

2 (b) A NONRESIDENT CERTIFICATE HOLDER APPLYING TO RENEW,
3 REACTIVATE, OR REINSTATE A CERTIFICATE OF CERTIFIED PUBLIC
4 ACCOUNTANT ISSUED IN THIS STATE THAT DEMONSTRATES COMPLIANCE,
5 THROUGH AN ATTESTATION SUBMITTED WITH A RENEWAL, REACTIVATION,
6 OR REINSTATEMENT APPLICATION, WITH THE CONTINUING EDUCATION
7 REQUIREMENTS FOR RENEWAL, REACTIVATION, OR REINSTATEMENT OF A
8 CERTIFICATE IN THE STATE IN WHICH THE CERTIFICATE HOLDER'S
9 PRINCIPAL PLACE OF BUSINESS IS LOCATED IS DEEMED TO HAVE SATISFIED
10 THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION.

11 (5) The board shall determine in each case whether a holder of
12 certificate of certified public accountant has complied with continuing
13 education requirements adopted by the board OR HAS DEMONSTRATED
14 COMPLIANCE, IN ACCORDANCE WITH SUBSECTION (1)(b) OF THIS SECTION,
15 WITH THE CONTINUING EDUCATION REQUIREMENTS OF THE STATE IN
16 WHICH THE CERTIFICATE HOLDER'S PRINCIPAL PLACE OF BUSINESS IS
17 LOCATED.

18 **SECTION 16.** In Colorado Revised Statutes, 12-100-116, **amend**
19 **as relocated by House Bill 19-1172** (1)(a)(II) introductory portion,
20 (1)(e), and (2); and **add as relocated by House Bill 19-1172**
21 (1)(a)(II)(C), (1)(a)(II)(D), and (1)(a)(II)(E) as follows:

22 **12-100-116. Unlawful acts - definition.** (1) (a) (II) ~~No~~ A person,
23 partnership, professional corporation, or limited liability company shall
24 NOT, without an active certificate of certified public accountant or a valid
25 registration:

26 (C) OFFER AUDIT OR ATTEST SERVICES TO THE PUBLIC IF THE
27 PERSON USES A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-100-112

1 (4)(c);

2 (D) ESTABLISH, PARTICIPATE IN, OR PROMOTE A BUSINESS THAT
3 USES A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-100-112 (4)(c) ■
4 IN ITS MARKETING IF THE BUSINESS IS NOT CURRENTLY REGISTERED
5 PURSUANT TO THIS ARTICLE 100; OR

6 (E) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, OFFER OR RENDER TAX SERVICES TO THE PUBLIC WHILE USING
8 A TITLE OR DESIGNATION SPECIFIED IN SECTION 12-100-112 (4)(c), UNLESS
9 DOING SO WITHIN A PARTNERSHIP, PROFESSIONAL CORPORATION, OR
10 LIMITED LIABILITY COMPANY OF CERTIFIED PUBLIC ACCOUNTANTS THAT
11 HOLDS A REGISTRATION OR PERMIT ISSUED BY THE BOARD OF THIS STATE
12 OR ANOTHER STATE.

13 (e) ~~The provisions of~~ EXCEPT AS SET FORTH IN SUBSECTION
14 (1)(a)(II)(E) OF THIS SECTION, subsection (1)(a) of this section ~~shall~~ DOES
15 not prohibit the performance by persons other than certified public
16 accountants of other services involving the use of accounting skills,
17 including the preparation of tax returns and the preparation of financial
18 statements without the expression of opinions or assurances ~~thereon~~ ON
19 THE RETURNS OR STATEMENTS.

20 (2) EXCEPT AS SET FORTH IN SUBSECTION (1)(a)(II)(E) OF THIS
21 SECTION, nothing in this section shall be construed to prohibit any person
22 from preparing or assisting in the preparation of any report or tax return
23 to any agency of the federal, state, or local government or other political
24 subdivision if the preparation or assistance is otherwise permissible under
25 law or under the regulations of the agency or from affixing the signature
26 of the person or firm so preparing or assisting in the preparation of the
27 report or return to the report or return.

1 **SECTION 17**. In Colorado Revised Statutes, 12-100-117, **amend**
2 **as relocated by House Bill 19-1172** (2)(a) as follows:

3 **12-100-117. Exceptions - acts not prohibited - rules.**

4 (2) (a) (I) Nothing in this article 100 ~~shall prohibit~~ PROHIBITS a certified
5 public accountant whose principal place of business is located in another
6 state or jurisdiction of the United States from practicing in this state on
7 professional business, as defined by rules promulgated by the board. The
8 practice shall be conducted in conformity with rules promulgated by the
9 board.

10 (II) Notwithstanding the requirements of section 12-100-114, a
11 foreign partnership, corporation, limited partnership, LIMITED LIABILITY
12 PARTNERSHIP, limited liability limited partnership, or limited liability
13 company may engage in the practice of accountancy in this state without
14 registering with the board IF THE PRACTICE IS INCIDENT TO THE ENTITY'S
15 REGULAR PRACTICE OUTSIDE THIS STATE, AS DEFINED BY THE BOARD. THE
16 ENTITY SHALL CONDUCT THE PRACTICE IN CONFORMITY WITH RULES
17 PROMULGATED BY THE BOARD.

18 **SECTION 18**. In Colorado Revised Statutes, 12-100-120, **amend**
19 **as relocated by House Bill 19-1172** (1) introductory portion and (1)(h);
20 and **add as relocated by House Bill 19-1172** (1)(o) as follows:

21 **12-100-120. Grounds for disciplinary action - administrative**
22 **penalties.** (1) After notice and hearing as provided in section
23 12-100-123, the board may take disciplinary or other action as authorized
24 in section 12-20-404 and impose other conditions or limitations ON A
25 PERSON for any of the following causes:

26 (h) ~~Providing public accounting services to the public for a fee~~
27 Without an active certificate of certified public accountant or a valid

1 registration:

2 (I) PROVIDING CERTIFIED PUBLIC ACCOUNTING SERVICES TO THE
3 PUBLIC FOR A FEE; or

4 (II) Acting as a ~~member, partner, or shareholder~~ RESIDENT
5 MANAGER of a ~~partnership or professional corporation registered pursuant~~
6 AN ENTITY THAT IS SUBJECT to section 12-100-114;

7 (o) FRAUDULENT, COERCIVE, OR DISHONEST PRACTICES OR
8 DEMONSTRATED INCOMPETENCE, UNTRUSTWORTHINESS, OR FINANCIAL
9 IRRESPONSIBILITY IN COLORADO, ANOTHER STATE, A UNITED STATES
10 TERRITORY, OR A FOREIGN COUNTRY.

11 **SECTION 19.** In Colorado Revised Statutes, 12-100-124, **amend**
12 **as relocated by House Bill 19-1172** (2)(b)(I) as follows:

13 **12-100-124. Investigations - findings - board actions -**
14 **confidentiality of complaints.** (2) (b) Upon completing an investigation,
15 the board shall make one of the following findings:

16 (I) The complaint is without ~~merit~~ MERIT, and no further action
17 need be taken.

18 **SECTION 20.** In Colorado Revised Statutes, **amend as relocated**
19 **by House Bill 19-1172** 12-100-130 as follows:

20 **12-100-130. Repeal of article.** This article 100 is repealed,
21 effective ~~July 1, 2019~~ SEPTEMBER 1, 2030. Before the repeal, the state
22 board of accountancy is scheduled for review in accordance with section
23 24-34-104.

24 **SECTION 21. Repeal of relocated provisions in this act.** In
25 Colorado Revised Statutes, **repeal as relocated by House Bill 19-1172**
26 12-100-119.

27 **SECTION 22. Effective date - applicability.** (1) This act:

1 (a) Takes effect July 1, 2019; except that sections 12 through 21
2 of this act take effect only if House Bill 19-1172 becomes law, in which
3 case sections 12 through 21 take effect October 1, 2019; and

4 (b) Applies to conduct occurring on or after the applicable
5 effective date of this act.

6 **SECTION 23. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.