

HB 2338-3
(LC 296)
3/14/25 (HE/ps)

Requested by HOUSE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION (at the request of State Board of Tax Practitioners)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2338**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages
2 2 through 7 and insert:

3 **“SECTION 1.** ORS 673.605 is amended to read:

4 “673.605. As used in ORS 673.605 to 673.740 unless the context requires
5 otherwise:

6 “(1) ‘Board’ means the State Board of Tax Practitioners created by ORS
7 673.725.

8 “(2)(a) ‘Facilitator’ means a person that individually or in conjunction or
9 cooperation with another person processes, receives or accepts for delivery
10 an application for a refund anticipation loan or a check in payment of refund
11 anticipation loan proceeds or in any other manner materially facilitates the
12 making of a refund anticipation loan.

13 “(b) ‘Facilitator’ does not mean a financial institution as defined in ORS
14 706.008, a person who has been issued a license under ORS chapter 725, an
15 affiliate that is a servicer for a financial institution or for a person issued
16 a license under ORS chapter 725, a person issued a certificate as a certified
17 public accountant or licensed as a public accountant by the Oregon Board
18 of Accountancy, or any person that acts solely as an intermediary and does
19 not deal with a taxpayer in the making of a refund anticipation loan.

20 “(3) ‘Lender’ means a person that makes a refund anticipation loan with
21 the person’s own funds or a line of credit or other funding from a financial

1 institution as defined in ORS 706.008, but does not include a financial insti-
2 tution as defined in ORS 706.008.

3 “(4) ‘Refund anticipation loan’ means a loan that the lender arranges to
4 be repaid directly from the proceeds of the taxpayer’s federal or state per-
5 sonal income tax refund.

6 “(5)(a) ‘Refund anticipation loan fee’ means the charges, fees or other
7 consideration charged or imposed by the lender or facilitator for the making
8 of a refund anticipation loan.

9 “(b) ‘Refund anticipation loan fee’ does not mean any charge, fee or other
10 consideration usually charged or imposed by the facilitator in the ordinary
11 course of business for nonloan services, including fees for tax return prepa-
12 ration and fees for electronic filing of tax returns.

13 **“(6) ‘Registered tax aide’ means any person who is registered under**
14 **ORS 673.605 to 673.740 as a registered tax aide.**

15 “[6)] (7) ‘Tax consultant’ means a person who is licensed under ORS
16 673.605 to 673.740 to prepare or advise or assist in the preparation of personal
17 income tax returns for another and for valuable consideration.

18 “[7)] (8) ‘Taxpayer’ means an individual who files a federal or Oregon
19 personal income tax return.

20 “[8)] (9) ‘Tax preparer’ means any person who is licensed under ORS
21 673.605 to 673.740 as a tax preparer.

22 **“SECTION 2. Sections 3 and 4 of this 2025 Act are added to and**
23 **made a part of ORS 673.605 to 673.740.**

24 **“SECTION 3. Registered tax aides; application; issuance of certif-**
25 **icates. (1) The State Board of Tax Practitioners may issue a certificate**
26 **to a person who qualifies as a registered tax aide if the individual:**

27 **“(a) Submits an application in the manner prescribed by the board;**

28 **“(b) Is 18 years of age or older;**

29 **“(c) Has earned at least a high school diploma or its equivalent, as**
30 **indicated by evidence of the following, in a form deemed sufficient by**

1 the board:

2 “(A) Completion of high school or an equivalent educational level;

3 or

4 “(B) Passage of an approved high school equivalency test;

5 “(d) Presents evidence satisfactory to the board that the applicant
6 has successfully completed at least 40 hours of training approved by
7 the board by rule;

8 “(e) Pays a fee established by the board under ORS 673.685;

9 “(f) Passes an examination;

10 “(g) Demonstrates to the satisfaction of the board fitness for reg-
11 istration; and

12 “(h) Has no disciplinary actions pending before the board.

13 “(2) The board shall issue evidence of certification to each person
14 who qualifies as a registered tax aide.

15 “(3) The board shall adopt rules to:

16 “(a) Determine the subjects, scope and content of the training and
17 examinations; and

18 “(b) Determine a passing score for each examination approved by
19 the board.

20 “(4) Evidence of completing the requirements described in sub-
21 section (1)(c), (d) and (f) of this section may be provided in a manner
22 approved by the board by rule.

23 “(5) If, in the judgment of the board, an applicant has, in combi-
24 nation, the education and experience to qualify as a registered tax
25 aide, but does not meet or cannot present evidence of strict compli-
26 ance with the requirements of subsection (1)(d) of this section, the
27 board may allow some of the applicant’s education or experience to
28 substitute one for the other. However, this subsection does not allow
29 a waiver of, or substitution for, any qualifications needed to be a reg-
30 istered tax aide other than those described in subsection (1)(d) of this

1 section.

2 **“SECTION 4. Renewal of certificates; continuing education; rules.**

3 **(1) Each year a person shall renew a registered tax aide certificate at**
4 **a time designated by the State Board of Tax Practitioners.**

5 **“(2) A person renewing a certificate shall:**

6 **“(a) Submit an application to the board before the expiration date**
7 **of the certificate;**

8 **“(b) Pay the renewal fee established under ORS 673.685;**

9 **“(c) Comply with continuing education requirements as adopted by**
10 **the board by rule; and**

11 **“(d) Submit evidence that the person has a qualifying supervisor.**

12 **“(3) At least 30 days before the annual renewal date, the board shall**
13 **notify the renewal applicant that the annual renewal application and**
14 **fees are due.**

15 **“(4) Any certificate that is not renewed within 15 days after the**
16 **annual renewal date expires.**

17 **“SECTION 5. ORS 673.615 is amended to read:**

18 **“673.615. Except as otherwise provided in ORS 673.605 to 673.740:**

19 **“(1) A person may not prepare or advise or assist in the preparation of**
20 **personal income tax returns for another and for valuable consideration or**
21 **represent that the person is so engaged unless the person is licensed as a tax**
22 **consultant under ORS 673.605 to 673.740.**

23 **“(2) A tax preparer may prepare or advise or assist in the preparation of**
24 **tax returns only under the supervision of a tax consultant, or a person de-**
25 **scribed in ORS 673.610 (2) or (4), and subject to such conditions and limita-**
26 **tions as the State Board of Tax Practitioners by rule may impose.**

27 **“(3) A registered tax aide may assist a tax consultant in the prepa-**
28 **ration of tax returns only under the supervision of a tax consultant**
29 **and subject to such conditions and limitations as the board by rule**
30 **may impose.**

1 “[3)] (4) A person may not be a facilitator of a refund anticipation loan
2 without first being issued a license as a tax consultant or tax preparer under
3 ORS 673.640.

4 “(5) **A tax consultant may employ and supervise no more than two**
5 **registered tax aides at the same time under the conditions and limi-**
6 **tations prescribed by the board by rule.**

7 “**SECTION 6.** ORS 673.660 is amended to read:

8 “673.660. Each tax consultant, [and] **tax preparer and registered tax**
9 **aide** shall display the [evidence of licensing] **license or certificate** issued to
10 the tax consultant, [and] **tax preparer and registered tax aide** in accord-
11 ance with rules adopted by the State Board of Tax Practitioners.

12 “**SECTION 7.** ORS 673.667 is amended to read:

13 “673.667. (1) Whenever a tax consultant or tax preparer ceases to engage
14 in the preparation or in advising or assisting in the preparation of personal
15 income tax returns, the consultant or preparer may apply to the State Board
16 of Tax Practitioners for inactive status. A license that is granted inactive
17 status may be renewed upon payment of the license fee as provided under
18 ORS 673.685. No proof that the continuing education required by ORS 673.655
19 has been fulfilled need be presented to the board for renewal of an inactive
20 license.

21 “(2) A license in inactive status may be reactivated upon payment of a
22 reactivation fee, that shall be provided under ORS 673.685, and upon proof
23 of compliance with such continuing education requirements as may be
24 adopted by the board by rule.

25 “(3) A license in inactive status may be revoked or suspended by the
26 board when conditions exist under which the board would have been au-
27 thorized to revoke or suspend the license if it were active.

28 “(4) [No] **A** person whose license is inactive [shall] **may not** act as a tax
29 consultant or as a tax preparer.

30 “(5) **A registered tax aide is ineligible for inactive status.**

1 **“SECTION 8.** ORS 673.697 is amended to read:

2 “673.697. The lapsing, **expiration**, suspension or revocation of a license
3 **or certificate** by operation of law or by order of the State Board of Tax
4 Practitioners or by decision of a court of law, or the voluntary surrender of
5 a license by a licensee **or a certificate by a certificate holder**, [*shall*] **does**
6 not deprive the board of jurisdiction to proceed with any investigation of or
7 any action or disciplinary proceeding against the licensee **or certificate**
8 **holder**, or to revise or render null and void an order suspending or revoking
9 the license **or certificate**.

10 **“SECTION 9.** ORS 673.700 is amended to read:

11 “673.700. The State Board of Tax Practitioners may refuse to issue or re-
12 new a tax consultant or preparer’s license, or may suspend or revoke a tax
13 consultant or preparer’s license, or may reprimand any person licensed as a
14 tax consultant or tax preparer for:

15 “(1) Violation of ORS 673.615, 673.705 or 673.712.

16 “(2) Failure to keep the records required by ORS 673.690.

17 “(3) Negligence or incompetence in tax consultant or tax preparer prac-
18 tice or when acting in the capacity of a tax preparer or tax consultant in
19 another state, or under an exempt status or in preparation of the personal
20 income tax return for another state or the federal government.

21 “(4)(a) Conduct resulting in a conviction of a felony under the laws of any
22 state or of the United States. However, such conduct may be considered only
23 to the extent permissible under the provisions of ORS 670.280; or

24 “(b) Conviction of any crime, an essential element of which is dishonesty,
25 fraud or deception, under the laws of any state or of the United States.

26 “(5) Conviction of willful failure to pay any tax or estimated tax, file any
27 tax return, keep records or supply information required under the tax laws
28 of any state or of the United States, or conviction of the willful making,
29 rendering, delivery, disclosure, signing or verifying of any false or fraudulent
30 list, return, account, statement or other document, or of supplying any false

1 or fraudulent information, required under the tax laws of any state or of the
2 United States.

3 “(6) Failure to comply with continuing education requirements under ORS
4 673.655 or under ORS 673.667 unless such requirements have been waived by
5 the board.

6 “(7) Violation of the code of professional conduct prescribed by the board.

7 “(8) Failure to pay any civil penalty incurred under ORS 673.735 within
8 the time determined by the board.

9 “(9) Cancellation, revocation or refusal to renew by any state or federal
10 agency of, or entry of a consent order, stipulated agreement or judgment
11 related to, the person’s authority to practice law, to practice as a certified
12 public accountant or a public accountant or to practice under other regula-
13 tory law in any state, or to practice as an enrolled agent, if the grounds for
14 the cancellation, revocation, refusal to renew, consent order, stipulated
15 agreement or judgment were related to income tax preparation or if dishon-
16 esty, fraud or deception was involved.

17 “(10) Cancellation, revocation or refusal to renew by any state or federal
18 agency of, or entry of a consent order, stipulated agreement or judgment
19 related to, a business’s authority to conduct operations related to the prac-
20 tice of law, certified public accountancy, public accountancy or other ser-
21 vices provided under regulatory law in any state, or to provide enrolled
22 agent services, if the grounds for the cancellation, revocation, refusal to re-
23 new, consent order, stipulated agreement or judgment involved the conduct
24 or actions of the licensee or applicant and:

25 “(a) Were related to income tax preparation; or

26 “(b) Involved dishonesty, fraud or deception.

27 **“(11) Failing to supervise the activities of registered tax aides or**
28 **supervising and employing more than two registered tax aides at the**
29 **same time as required under ORS 673.615 and rules adopted by the**
30 **board.**

1 **“SECTION 10.** Section 11 of this 2025 Act is added to and made a
2 **part of ORS 673.605 to 673.740.**

3 **“SECTION 11. Disciplinary action; registered tax aides; grounds.**
4 **The State Board of Tax Practitioners may refuse to issue or renew or**
5 **may suspend or revoke a registered tax aide’s certificate or may**
6 **reprimand any person who is a registered tax aide for:**

7 **“(1) Violation of ORS 673.615 (3) or 673.705.**

8 **“(2)(a) Conduct resulting in a conviction of a felony under the laws**
9 **of any state or of the United States. However, such conduct may be**
10 **considered only to the extent permissible under the provisions of ORS**
11 **670.280; or**

12 **“(b) Conviction of any crime, an essential element of which is dis-**
13 **honesty, fraud or deception, under the laws of any state or of the**
14 **United States.**

15 **“(3) Conviction of violating the tax laws of any state or of the**
16 **United States by engaging in conduct that includes:**

17 **“(a) Willfully failing to pay any tax or estimated tax, file any tax**
18 **return, keep records or supply information;**

19 **“(b) Willfully making, rendering, delivering, disclosing, signing or**
20 **verifying of any false or fraudulent list, tax return, account, statement**
21 **or other document; or**

22 **“(c) Willfully supplying any false or fraudulent information.**

23 **“(4) Failure to comply with continuing education requirements un-**
24 **der section 4 of this 2025 Act.**

25 **“(5) Violation of the code of professional conduct prescribed by the**
26 **board.**

27 **“(6) Failure to pay any civil penalty incurred under ORS 673.735**
28 **within the time determined by the board.**

29 **“(7) Cancellation, revocation or refusal to renew by any state or**
30 **federal agency of, or entry of a consent order, stipulated agreement**

1 or judgment related to, the person's authority to practice under other
2 regulatory law in any state, if the grounds for the cancellation, revo-
3 cation, refusal to renew, consent order, stipulated agreement or judg-
4 ment were related to income tax preparation or if dishonesty, fraud
5 or deception was involved.

6 **"SECTION 12.** ORS 673.705 is amended to read:

7 "673.705. It is unlawful for any person to:

8 "(1) Obtain or attempt to obtain **by any dishonest or fraudulent rep-**
9 **resentation** a license as a tax consultant or a tax preparer **or a certificate**
10 **as a registered tax aide** [*by any fraudulent representation*].

11 "(2) Represent that the person is licensed as a tax consultant or a tax
12 preparer if the person is not so licensed **or represent that the person is**
13 **qualified as a registered tax aide if the person is not so certified.**

14 "(3) Present or attempt to use the license **or certificate** of another per-
15 son.

16 "(4) Attempt to use a suspended, lapsed, **expired** or revoked license **or**
17 **certificate.**

18 "(5) Falsely impersonate a licensee **or certificate holder** under ORS
19 673.605 to 673.740.

20 "(6) Engage in dishonesty, fraud or deception relating to the preparation
21 of personal income tax returns.

22 "(7) Violate a position of trust, including a position of trust outside the
23 licensee's **or certificate holder's** professional practice.

24 **"SECTION 13.** ORS 673.730 is amended to read:

25 "673.730. The State Board of Tax Practitioners shall have the following
26 powers, in addition to the powers otherwise granted by ORS 673.605 to
27 673.740, and shall have all powers necessary or proper to carry the granted
28 powers into effect:

29 "(1) To determine qualifications of applicants for licensing **and certi-**
30 **fication** as a tax consultant, [*or*] a tax preparer **or a registered tax aide**

1 in this state[;].

2 “(2) To cause examinations to be prepared, conducted and graded[; and].

3 “(3) To issue licenses **and certificates** to qualified applicants upon their
4 compliance with ORS 673.605 to 673.740 and the rules of the board.

5 “[2)(a) *To restore the license of any tax consultant or preparer whose li-*
6 *cense has been suspended or revoked.*]

7 “[b) *The power of the board to suspend any license under ORS 673.700*
8 *includes the power to restore:*]

9 “[A) *at a time certain; or*]

10 “[B) *when the person subject to suspension fulfills conditions for reissu-*
11 *ance set by the board.*]

12 “[c)] (4) **To restore the license or certificate of any tax consultant,**
13 **tax preparer or registered tax aide whose license or certificate has**
14 **been suspended or revoked under ORS 673.700 or section 11 of this 2025**
15 **Act at a time certain or when the person subject to suspension fulfills**
16 **conditions for reissuance set by the board.** The power of the board to
17 restore a license **or certificate** under [paragraph (a) of] this subsection spe-
18 cifically includes the power to restore a license **or certificate** suspended or
19 revoked for the reason that the person has been convicted of a crime. In
20 making a determination to restore a license **or certificate**, the board shall
21 consider the relationship of the facts which supported the conviction to the
22 code of professional conduct and all intervening circumstances in determin-
23 ing the fitness of the person to receive or hold a tax consultant’s or tax
24 preparer’s license **or registered tax aide’s certificate**.

25 “[3)] (5) To investigate alleged violations of ORS 673.605 to 673.740, or
26 any rule or order adopted thereunder. The board may keep information
27 gathered pursuant to an investigation by the board confidential until there
28 is a final order or determination by the board, unless disclosure is considered
29 necessary by the board for the investigation or prosecution of an alleged
30 violation of ORS 673.605 to 673.740, or any rule or order adopted thereunder.

1 The board may keep personal financial information gathered pursuant to an
2 investigation by the board confidential after a final order or determination
3 by the board, unless disclosure is considered necessary by the board for the
4 investigation or prosecution of an alleged violation of ORS 673.605 to 673.740,
5 or any rule or order adopted thereunder. For purposes of this subsection,
6 personal financial information includes but is not limited to tax returns.

7 “[4)] (6) To enforce the provisions of ORS 673.605 to 673.740 and to ex-
8 ercise general supervision over tax consultant, [and] tax preparer **and reg-**
9 **istered tax aide** practice.

10 “[5)] (7) To issue an order directed to a person to cease and desist from
11 any violation or threatened violation of ORS 673.615, 673.643, 673.705 or
12 673.712, or any rule or order adopted thereunder, if the board has reason to
13 believe that a person has been engaged, is engaging or is about to engage in
14 any violation of ORS 673.615, 673.643, 673.705 or 673.712, or any rule or order
15 adopted thereunder.

16 “[6)] (8) To assess civil penalties within a cease and desist order issued
17 under subsection [(5)] (7) of this section if the board has reason to believe
18 that a person has been engaged or is engaging in any violation of ORS
19 673.615, 673.643, 673.705 or 673.712, or any rule or order adopted thereunder.
20 The civil penalty may not exceed \$5,000 per violation.

21 “[7)] (9) To formulate a code of professional conduct for tax
22 consultants, [and] tax preparers **and registered tax aides**.

23 “[8)] (10) To assess against the licensee, **the certificate holder** or any
24 other person found guilty of violating any provision of ORS 673.605 to
25 673.740, or any rule or order adopted thereunder, in addition to any other
26 sanctions, the costs associated with the disciplinary or other action taken
27 by the board.

28 “[9)] (11) To order that any person who has engaged in or is engaging
29 in any violation of ORS 673.605 to 673.740, or any rule or order adopted
30 thereunder, shall offer to rescind and pay restitution to anyone harmed by

1 the violation who seeks rescission.

2 “(12) To establish standards for supervising registered tax aides.

3 “(13) To impose conditions or limitations on the activities of regis-
4 tered tax aides.

5 “[10)] (14) To adopt rules pursuant to ORS chapter 183 necessary to carry
6 out the provisions of ORS 673.605 to 673.740.

7 “**SECTION 14.** ORS 673.685 is amended to read:

8 “673.685. (1) The State Board of Tax Practitioners shall adopt by rule fees
9 for:

10 “(a) Application for examination for a tax consultant’s license.

11 “(b) Application for examination for a tax preparer’s license.

12 “(c) Issuance or renewal of a tax consultant’s license.

13 “(d) Issuance or renewal of a tax preparer’s license.

14 “**(e) Issuance or renewal of a registered tax aide’s certificate.**

15 “[e)] (f) Issuance or renewal of a tax consultant’s inactive license.

16 “[f)] (g) Issuance or renewal of a tax preparer’s inactive license.

17 “[g)] (h) Reactivation of a tax consultant’s inactive license or reactiva-
18 tion of a tax preparer’s inactive license.

19 “[h)] (i) Restoration of lapsed license.

20 “[i)] (j) Issuance or replacement of a duplicate license **or certificate.**

21 “[j) *Issuance of a replacement or duplicate tax consultant certificate.*]

22 “(k) Registration or registration renewal for a sole proprietorship, part-
23 nership, corporation or other legal entity.

24 “(L) Issuance or renewal of a combined tax consultant’s or tax preparer’s
25 license and registration for a sole proprietorship, partnership, corporation
26 or other legal entity. Eligibility for a combined license shall be determined
27 under rules adopted by the board.

28 “(m) Annual registration of a branch office of a sole proprietorship,
29 partnership, corporation or other legal entity.

30 “(2) The fees established by the State Board of Tax Practitioners under

1 this section are subject to the prior approval of the Oregon Department of
2 Administrative Services. The fees may not exceed the cost of administering
3 the regulatory program of the State Board of Tax Practitioners pertaining
4 to the purposes for which the fees are established, as authorized by the
5 Legislative Assembly within the board's budget, as that budget may be mod-
6 ified by the Emergency Board.

7 **“SECTION 15. The section captions used in this 2025 Act are pro-**
8 **vided only for the convenience of the reader and do not become part**
9 **of the statutory law of this state or express any legislative intent in**
10 **the enactment of this 2025 Act.”.**

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