

HB 4494

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4494

(By Delegates Morgan, White, Campbell, Hutchins,
Higgins, Palumbo, Andes and Kominar)

Passed March 7, 2008

In Effect Ninety Days from Passage

Be it enacted by the Legislature of West Virginia:

That §30-9-2, §30-9-8, §30-9-13, §30-9-16, §30-9-17, §30-9-19 and §30-9-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 9. ACCOUNTANTS.

§30-9-2. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings, unless the context or associated
3 language clearly indicates otherwise:

4 (1) “Affiliated entity” means an entity that controls, is
5 controlled by, or is under common control with, a firm. For
6 purposes of this definition, an entity controls another entity
7 if the entity directly or indirectly or acting in concert with one
8 or more other affiliated entities, or through one or more
9 subsidiaries, owns, controls, holds with power to vote, or
10 holds proxies representing, more than fifty percent of the
11 voting interest in such entity.

12 (2) “Assurance” means any act or action, whether
13 written or oral, expressing an opinion or conclusion about the
14 reliability of a financial statement or about its conformity
15 with any financial accounting standards.

16 (3) “Attest services” means providing any:

17 (A) Audit or other engagement to be performed in
18 accordance with the Statements on Auditing Standards;

19 (B) Review of a financial statement to be performed in
20 accordance with the Statements on Standards for Accounting
21 and Review Services;

22 (C) Examination of prospective financial information to
23 be performed in accordance with applicable Statements on
24 Standards for Attestation Engagements; or

25 (D) Engagement to be performed in accordance with the
26 Auditing Standards of the Public Company Accounting
27 Oversight Board.

28 (4) "Audit" means expressing an opinion about the
29 fairness of presentation of financial statements in accordance
30 with the Statements on Auditing Standards.

31 (5) "Authorization" means an authorization issued
32 pursuant to this article that entitles a permit holder or an
33 individual practitioner to perform attest or compilation
34 services.

35 (6) "Board" means the West Virginia Board of
36 Accountancy.

37 (7) "Business entity" means any corporation,
38 partnership, limited partnership, limited liability partnership,
39 professional limited liability partnership, limited liability
40 company, professional limited liability company, joint
41 venture, business trust or any other form of business
42 organization. The term "business entity" includes a firm.

43 (8) "Certificate" means a certificate as a certified public
44 accountant issued or renewed by the board pursuant to this
45 article or corresponding provisions of prior law.

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8 or more other affiliated entities, or through one or more
9 subsidiaries, owns, controls, holds with power to vote, or
10 holds proxies representing, more than fifty percent of the
11 voting interest in such entity.

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13 written or oral, expressing an opinion or conclusion about the
14 reliability of a financial statement or about its conformity
15 with any financial accounting standards.

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18 accordance with the Statements on Auditing Standards;

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21 and Review Services;

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26 Auditing Standards of the Public Company Accounting
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29 fairness of presentation of financial statements in accordance
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33 individual practitioner to perform attest or compilation
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35 (6) "Board" means the West Virginia Board of
36 Accountancy.

37 (7) "Business entity" means any corporation,
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39 professional limited liability partnership, limited liability
40 company, professional limited liability company, joint
41 venture, business trust or any other form of business
42 organization. The term "business entity" includes a firm.

43 (8) "Certificate" means a certificate as a certified public
44 accountant issued or renewed by the board pursuant to this
45 article or corresponding provisions of prior law.

46 (9) "Certified public accountant" or "CPA" means the
47 holder of a certificate.

48 (10) "Client" means a person or entity that agrees with
49 a licensee or licensee's employer to receive any professional
50 service.

51 (11) "Commission" means compensation, except a
52 referral fee, for recommending or referring any product or
53 service to be supplied by another person.

54 (12) "Compilation services" means providing a service
55 performed in accordance with the Statements on Standards
56 for Accounting and Review Services that presents, in the
57 form of a financial statement, information that is the
58 representation of management without an expression of
59 assurance on the statement: *Provided*, That this definition
60 does not apply to the use of the term "compilation" in section
61 thirty-one of this article.

62 (13) "Contingent fee" means a fee established for the
63 performance of any service pursuant to an arrangement in
64 which no fee will be charged unless a specified finding or
65 result is attained, or in which the amount of the fee is
66 otherwise dependent upon the finding or result of the service.
67 A fee fixed by a court, taxing authority or other public
68 authority is not a contingent fee.

69 (14) "Examination," when used with reference to
70 prospective financial statements, means expressing an
71 opinion about the fairness of presentation of financial
72 information in accordance with the Statements on Standards
73 for Attestation Engagements.

74 (15) "Financial statement" means a writing or other
75 presentation, including accompanying notes, which presents,
76 in whole or in part, historical or prospective financial

77 position, results of operations or changes in financial position
78 of any person, corporation, partnership or other entity.

79 (16) "Firm" means any business entity, including but not
80 limited to accounting corporations and professional limited
81 liability companies, in which two or more certified public
82 accountants or public accountants hold an ownership or
83 membership interest, in terms of the financial interests and
84 voting rights of all partners, officers, shareholders, members
85 or managers, and the primary business activity of which is
86 the provision of professional services to the public by
87 certified public accountants or public accountants.

88 (17) "Firm ownership requirements" means, with respect
89 to:

90 (A) Any professional limited liability company
91 organized pursuant to article thirteen, chapter thirty-one-b of
92 this code, consisting of one or more licensed certified public
93 accountants or licensed public accountants;

94 (B) Any other firm where:

95 (i) A simple majority of ownership of the firm, in terms
96 of financial interests and voting rights of all partners,
97 officers, shareholders, members or managers, belongs either
98 to:

99 (I) Certified public accountants holding a certificate
100 under section twelve of this article or the equivalent
101 provision of another state; or

102 (II) Public accountants who have met the continuing
103 professional education requirements of subsection (b),
104 section twelve of this article and who are not subject to the
105 exemption or limitation set forth in subdivisions (1) or (2),

106 subsection (b), section twelve of this article or similar
107 provisions of another state.

108 (ii) All owners of the firm who are not certified public
109 accountants or public accountants are active participants in
110 the firm or in affiliated entities.

111 (18) "Foreign" means any country other than the United
112 States.

113 (19) "Good moral character" means lack of a history of
114 dishonesty or felonious activity.

115 (20) "Home office" means the client's office address.

116 (21) "Individual practitioner" means a certified public
117 accountant or a public accountant who offers professional
118 services to the public but who does not practice in a firm.

119 (22) "License" means a certificate, permit, registration
120 or authorization.

121 (23) "Licensee" means the holder of a license.

122 (24) "Manager" means a manager of a professional
123 limited liability company.

124 (25) "Member" means a member of a professional
125 limited liability company.

126 (26) "Nonlicensee" means a person or business entity
127 that does not hold a license.

128 (27) "Out-of-state certificate" means a valid certificate
129 as a certified public accountant or equivalent designation
130 issued or renewed under the laws of another state: *Provided,*

131 That "out-of-state certificate" does not include any certificate
132 as a certified public accountant or equivalent designation that
133 was issued or renewed solely by virtue of a holder's prior
134 status as a public accountant or its equivalent in the state of
135 issuance and not by virtue of the holder's having met the
136 certification requirements of the state of issuance.

137 (28) "Out-of-state permit" means a valid permit as a
138 firm of certified public accountants or another designation
139 equivalent to a permit issued or renewed by the board and
140 that is issued or renewed under the laws of another state.

141 (29) "Peer Review" means a study, appraisal or review
142 of one or more aspects of the professional work of a licensee
143 by a person who holds a certificate or an out-of-state
144 certificate and who is not affiliated with the licensee being
145 reviewed.

146 (30) "Permit" means a permit issued to a firm pursuant
147 to this article.

148 (31) "Principal place of business" means the licensee's
149 office location in the state where the licensee holds a
150 certificate or registration.

151 (32) "Professional services" means those services that
152 involve the specialized knowledge and skills of a certified
153 public accountant or a public accountant delivered by any
154 means, including but not limited to, in person, by mail,
155 telephone or by electronic means.

156 (33) "Public accountant" means a person holding a
157 registration who is not a certified public accountant.

158 (34) "Referral fee" means compensation for
159 recommending or referring any service of a licensee to any
160 person.

161 (35) "Registration" means a registration as a public
162 accountant issued by the board pursuant to prior law
163 governing the registration of public accountants and renewed
164 by the board pursuant to this article.

165 (36) "Report," when used with reference to financial
166 statements, means an opinion or disclaimer of opinion or
167 other form of language or representation which states or
168 implies any form of assurance or denial of assurance.

169 (37) "Rule" means any rule proposed for legislative
170 approval by the board pursuant to this article.

171 (38) "State" means any state of the United States, the
172 District of Columbia, Puerto Rico, the U.S. Virgin Islands or
173 Guam.

174 (39) "Substantial equivalency" or "substantially
175 equivalent" means or refers to a determination by the board
176 or its designee that the education, examination and
177 experience requirements contained in the statutes or rules of
178 another state are comparable to or exceed the education,
179 examination and experience requirements contained in the
180 Uniform Accountancy Act, or that an individual certified
181 public accountant's education, examination and experience
182 qualifications are comparable to or exceed the education,
183 examination and experience requirements contained in the
184 Uniform Accountancy Act.

185 (40) "Substantial equivalency practitioner" means any
186 individual whose principal place of business is not in this
187 state, who holds a certificate from another state and has
188 complied with the provisions of section sixteen of this article.

189 (41) "Uniform Accountancy Act" means the Uniform
190 Accountancy Act, fifth edition, revised (July 2007), jointly
191 published by the American Institute of Certified Public

192 Accountants and the National Association of State Boards of
193 Accountancy.

§30-9-8. Education, examination and experience certificate requirements.

1 The board shall issue a certificate to an applicant of good
2 moral character who meets the following requirements:

3 (1) At least one hundred fifty semester hours of college
4 education including a baccalaureate or higher degree
5 conferred by a college or university, the total education
6 program to include an accounting concentration or
7 equivalent, as determined by the board to be appropriate;

8 (2) Passage of the uniform certified public accountant
9 examination published by the American institute of certified
10 public accountants or its successor and any additional
11 examination required by the board by rule that tests the
12 applicant's knowledge of subjects related to the practice of
13 accounting: *Provided*, That before applying for the
14 examination required by this subsection, an applicant is
15 required to have met the baccalaureate degree requirement
16 but not the one hundred fifty semester hour requirement of
17 subsection (1) of this section; and

18 (3) At least one year of experience in providing any type
19 of service or advice involving the use of accounting, attest,
20 compilation, management advisory, financial advisory, tax or
21 consulting skills. The experience requirement may be
22 satisfied by employment in private practice, government,
23 industry, not-for-profit organization, academia or public
24 practice. An applicant's experience must be verified by a
25 licensee and must meet requirements specified by rule.

§30-9-13. Duty to inform board of denials, suspensions, revocations, limitations.

1 Each licensee must notify the board, within thirty days of
2 its occurrence, of any denial, suspension or revocation of or
3 any limitation placed on a license or out-of-state certificate.

§30-9-16. Substantial equivalency practice privileges.

1 (a) An individual whose principal place of business is not
2 in this state and who holds an out-of-state certificate has all
3 the rights and privileges of a certificate holder of this state
4 without the need to obtain a certificate if:

5 (1) The state that issued the out-of-state certificate has
6 certification requirements that are substantially equivalent to
7 the certification requirements of the Uniform Accountancy
8 Act; or

9 (2) The individual holds a valid license as a certified
10 public accountant from any state which the National
11 Association of State Boards of Accountancy National
12 Qualification Appraisal Service has not verified to be in
13 substantial equivalence with the CPA licensure requirements
14 of the Uniform Accountancy Act and the individual has
15 obtained from the National Association of State Boards of
16 Accountancy National Qualification Appraisal Service
17 verification that his or her CPA qualifications are
18 substantially equivalent to the CPA licensure requirements of
19 the Uniform Accountancy Act. Any individual who qualifies
20 for practice privileges pursuant to this subdivision before the
21 first day of January, two thousand twelve, and who passed
22 the uniform CPA examination and holds a valid license
23 issued by any other state is exempt from the education
24 requirement in the Uniform Accountancy Act for purposes of
25 this section.

26 (b) An individual who offers or renders professional
27 services under this section shall be granted practice privileges
28 in this state, and no notice, fee, or other submission is
29 required of any such individual. Such an individual is subject
30 to the requirements in subsection (c) of this section.

31 (c) (1) Any individual performing or offering to perform
32 any services in the state as a substantial equivalency
33 practitioner and the firm which employs that out-of-state
34 certificate holder are simultaneously subject to the
35 jurisdiction of the board concerning all matters within the
36 scope of this article and are required to comply with the
37 provisions of this article and applicable rules.

38 (2) The state board of accountancy of the state of
39 issuance of any substantial equivalency practitioner's
40 certificate is appointed as his or her agent upon which
41 process may be served in an action or proceeding by the
42 board.

43 (d) In the event the certificate from the state of the
44 individual's principal place of business is no longer valid, the
45 individual will cease offering or rendering professional
46 services in this state individually and on behalf of a firm.

47 (e) Subject to the provisions of subsection (f) of this
48 section, an individual who qualifies for the practice privileges
49 under this section may only perform any of the following
50 services, for any entity with its home office in this state,
51 through a firm which has obtained a permit issued under
52 section seventeen of this article and an authorization issued
53 under section nineteen of this article:

54 (1) A financial statement audit or other engagement to be
55 performed in accordance with the Statements on Auditing
56 Standards;

57 (2) An examination of prospective financial information
58 to be performed in accordance with the Statements on
59 Standards for Attestation Engagements; or

60 (3) An engagement to be performed in accordance with
61 the Auditing Standards of the Public Company Accounting
62 Oversight Board.

63 (f) An individual practitioner who is also a substantial
64 equivalency practitioner may provide the services set out in
65 subsection (e) of this section without obtaining a permit
66 issued under section seventeen of this article, but must obtain
67 the authorization issued under section nineteen of this article.

68 (g) A certificate holder of this state offering or rendering
69 services or using their CPA title in another state is subject to
70 disciplinary action in this state for an act committed in
71 another state for which the certificate holder would be subject
72 to discipline in that other state.

73 (h) The board shall investigate any complaint made by
74 the board of accountancy of another state.

§30-9-17. Issuance and renewal of permits.

1 (a) The board shall grant or renew permits to firm
2 applicants that demonstrate their qualifications in accordance
3 with this section.

4 (b) Firms meeting the following criteria must hold a
5 permit issued under this section:

6 (1) Any firm with an office in this state performing attest
7 or compilation services;

8 (2) Any firm with an office in this state that uses the title
9 "CPA" or "CPA firm"; or

10 (3) Any firm that does not have an office in this state but
11 performs attest services described in subdivisions (A), (C) or
12 (D), subsection (3), section two of this article for a client
13 having its home office in this state.

14 (c) A firm that does not have an office in this state may
15 perform services described in subdivision (B), subsection (3),
16 section two of this article, or subsection (12), section two of
17 this article, for a client having its home office in this state and
18 may use the title “CPA” or “CPA firm” without a permit
19 issued under this section only if it meets firm ownership
20 requirements and is undergoing a peer review program that
21 conforms with applicable rules, and performs the services
22 through an individual with practice privileges under section
23 sixteen of this article.

24 (d) A firm that does not have an office in this state and
25 does not perform attest services or compilation services for
26 a client having its home office in this state may perform other
27 professional services while using the title “CPA” or “CPA
28 firm” in this state without a permit issued under this section
29 only if it performs the services through an individual with
30 practice privileges under section sixteen of this article:
31 *Provided*, That the firm may lawfully perform the services in
32 the state where the individuals with practice privileges have
33 their principal place of business.

34 (e) Applicants for a permit must demonstrate that:

35 (1) Each partner, officer, shareholder, member or
36 manager of the firm whose principal place of business is in
37 this state and who performs or offers to perform professional
38 services in this state holds a certificate or a registration; and

39 (2) The firm meets firm ownership requirements.

40 (f) An application for the issuance of a permit must be
41 made in the form specified by the board by rule and must
42 include the following information:

43 (1) The names of all partners, officers, shareholders,
44 members or managers of the firm whose principal place of
45 business is in this state;

46 (2) The location of each office of the firm within this
47 state and the name of the certified public accountant or public
48 accountant in charge of each office; and

49 (3) Any issuance, denial, revocation or suspension of an
50 out-of-state permit.

51 (g) Permits will initially be issued for a period to expire
52 on the thirtieth day of June following the date of issue.

53 (h) The board shall renew a permit for a one-year period
54 beginning on the first day of July of each year after initial
55 issuance in accordance with the requirements for initial
56 issuance of a permit in this section.

57 (i) The board shall charge an application fee for the initial
58 issuance or renewal of a permit in an amount specified by
59 rule.

§30-9-19. Issuance and renewal of authorizations.

1 (a) Commencing with the first day of July, two thousand
2 one, no person or business entity may provide attest or
3 compilation services without having first obtained an
4 authorization issued by the board. An applicant may apply to
5 provide attest services or compilation services or both. This
6 requirement does not apply to individuals performing attest
7 or compilation services based on the practice privilege under

8 section sixteen of this article except as required under
9 subsection (e) of that section, or to business entities
10 performing attest or compilation services that are not required
11 to obtain a permit under subsections (c) or (d), section
12 seventeen of this article. Any substantial equivalency
13 practitioner who issues a compilation report as an individual
14 practitioner or on behalf of a business entity may do so
15 without obtaining an authorization under this section so long
16 as such individual does so in accordance with the
17 requirements set out in subdivisions (1) and (2), subsection
18 (f) of this section.

19 (b) Applications for the issuance of authorizations must
20 be made in the form specified by the board by rule.

21 (c) Authorizations will initially be issued for a period to
22 expire on the thirtieth day of June following the date of initial
23 issuance.

24 (d) The board shall issue an authorization to a permit
25 holder that demonstrates that:

26 (1) Any certified public accountant, public accountant or
27 substantial equivalency practitioner who signs or authorizes
28 someone to sign an attest or compilation report on behalf of
29 the permit holder meets the competency requirements set
30 forth in the professional standards for those services specified
31 by rule;

32 (2) All attest and compilation services rendered by the
33 permit holder in this state are verified by a certified public
34 accountant, substantial equivalency practitioner or a public
35 accountant; and

36 (3) The permit holder is undergoing a peer review
37 program that conforms with applicable rules.

38 (e) A firm may simultaneously apply for the issuance or
39 renewal of a permit and the issuance or renewal of an
40 authorization by demonstrating that the firm meets the
41 requirements of section seventeen of this article and
42 subsection (d) of this section.

43 (f) The board shall issue an authorization to an individual
44 practitioner who demonstrates that he or she:

45 (1) Signs an attest or compilation report as a certified
46 public accountant, public accountant or substantial
47 equivalency practitioner, as applicable and meets the
48 competency requirements set forth in the professional
49 standards for those services specified by rule; and

50 (2) Is undergoing a peer review program that conforms
51 with applicable rules.

52 (g) The board shall renew an authorization for a one year
53 period beginning on the first day of July of each year after
54 initial issuance in accordance with the requirements for initial
55 issuance of an authorization in this section.

56 (h) The board shall charge an application fee for the
57 initial issuance or renewal of an authorization in an amount
58 specified by rule.

§30-9-26. Unlawful acts.

1 (a) No authorization holder or substantial equivalency
2 practitioner may perform attest or compilation services in a
3 manner other than pursuant to the statements on standards
4 relating to those services specified by rule.

5 (b)(1) No licensee or substantial equivalency practitioner
6 or firm may, for a commission or referral fee, recommend or

7 refer to a client any product or service or refer any product or
8 service to be supplied by a client, or perform for a contingent
9 fee any professional services for or receive a referral fee,
10 commission or contingent fee from a client for whom the
11 licensee, the substantial equivalency practitioner or firm
12 works or associates or in which either of them owns an
13 interest or who performs for that client:

14 (A) An audit or review of a financial statement;

15 (B) A compilation of a financial statement when the
16 licensee or substantial equivalency practitioner expects, or
17 reasonably might expect, that a third party will use the
18 financial statement and the compilation report does not
19 disclose a lack of independence; or

20 (C) An examination of prospective financial information.

21 (2) The prohibition in subdivision one of this subsection
22 applies only during the period in which the licensee or
23 substantial equivalency practitioner is engaged to perform
24 any of the services listed in subdivision (1) of this subsection
25 and the period covered by any historical financial statements
26 involved in any of those listed services.

27 (c) No licensee or substantial equivalency practitioner
28 may for a contingent fee prepare an original or amended tax
29 return or claim for a tax refund or serve as an expert witness.

30 (d) No licensee may use a professional or firm name or
31 designation that: (1) Is deceptive or misleading about the
32 legal form of the firm, or about the persons who are partners,
33 officers, members, managers or shareholders of the firm, or
34 about any other matter; or (2) contains a name or term other
35 than past or present partners, officers, members, managers or
36 shareholders of the firm or of a predecessor firm engaged in
37 the practice of accounting.

38 (e) No person or firm that does not hold an authorization
39 to perform attest services, or is not otherwise exempt from
40 the authorization requirement, may perform or offer to
41 perform attest services, and no person or firm that does not
42 hold an authorization to perform compilation services, or is
43 not otherwise exempt from the authorization requirement,
44 may perform or offer to perform compilation services.

45 (f) No individual practitioner who holds an authorization
46 may perform or offer to perform attest services for a client of
47 his or her employer through or on behalf of his or her
48 employer.

49 (g) No person who is not a certified public accountant, a
50 public accountant or a substantial equivalency practitioner
51 may:

52 (1) Issue a report on financial statements of any other
53 person, business entity, or governmental unit or otherwise
54 render or offer to render any attest or compilation service:
55 *Provided*, That this subdivision does not prohibit any act of
56 a public official or public employee in the performance of
57 that person's duties or the performance by any person of other
58 services involving the use of accounting skills, including the
59 preparation of tax returns, management advisory services,
60 and the preparation of financial statements without the
61 issuance of reports thereon: *Provided, however*, That this
62 subdivision does not prohibit any person who is not a
63 certified public accountant, a public accountant or a
64 substantial equivalency practitioner to prepare financial
65 statements or issue nonattest transmittals of information
66 thereon that do not purport to have been performed in
67 accordance with the applicable statements on standards;

68 (2) Claim to hold a certificate, registration or
69 authorization or make any other claim of licensure or

70 approval related to the preparation of financial statements or
71 the issuance of reports thereon that is false or misleading;

72 (3) Claim to have used "generally accepted accounting
73 principles," "generally accepted accounting standards,"
74 "public accountancy standards," "public accountancy
75 principles," "generally accepted auditing principles" or
76 "generally accepted auditing standards" in connection with
77 the preparation of any financial statement, or use any of these
78 terms to describe any complete or partial variation from those
79 standards or principles or to imply complete or partial
80 conformity with those standards or principles;

81 (4) State or imply that he or she is tested, competent,
82 qualified or proficient in financial standards established by
83 the American institute of certified public accountants or any
84 agency thereof, the governmental accounting standards board
85 or any agency thereof, the securities and exchange
86 commission or any agency thereof, the financial accounting
87 standards board or any agency thereof, or any successor
88 entity to any of these entities;

89 (5) Assume or use the titles "certified accountant,"
90 "chartered accountant," "enrolled accountant," "licensed
91 accountant," "registered accountant," "Auditor,"
92 "independent Auditor" or any other title or designation that
93 a reasonable person may confuse with the titles "certified
94 public accountant" or "public accountant," or assume or use
95 the abbreviations "CA," "LA," "RA," or similar abbreviation
96 that a reasonable person may confuse with the abbreviations
97 "CPA" or "PA": *Provided*, That the title "Enrolled Agent"
98 and the abbreviation "EA" may only be used by individuals
99 so designated by the Internal Revenue Service;

100 (6) Use language in any statement relating to the financial
101 affairs of a person or entity that is conventionally used by a
102 licensee in a report on a financial statement;

103 (7) Use the words "audit," "audit report," "independent
104 audit," "examine," "examination," "opinion" or "review" in
105 a report on a financial statement;

106 (8) Assume or use any title that includes the words
107 "accountant," "Auditor," or "accounting" in connection with
108 any other language (including the language of a report) that
109 implies that the person or business entity holds a license or
110 has special competence in accounting or auditing: *Provided*,
111 That this subdivision does not prohibit any officer, partner,
112 member, manager or employee of any business entity from
113 affixing that person's own signature to any statement in
114 reference to the financial affairs of the business entity with
115 any wording designating the position, title, or office that the
116 person holds therein, nor does it prohibit any act of a public
117 official or employee in the performance of the person's
118 duties;

119 (9) Use or assume the title "certified public accountant,"
120 the abbreviation "CPA," or any other title, designation, word,
121 combination of letters, abbreviation, sign, card or device that
122 may lead a reasonable person to believe that the person is a
123 certified public accountant or the holder of an out-of-state
124 certificate; or

125 (10) Assume or use the title "public accountant," the
126 abbreviation "PA," or any other title, designation, word,
127 combination of letters, abbreviation, sign, card or device that
128 may lead a reasonable person to believe that the person is a
129 public accountant.

130 (h) Only a business entity that holds a permit or is exempt
131 from the permit requirement under subsections (c) or (d),
132 section seventeen of this article, may assume or use the
133 designations "certified public accountants," "CPA firm,"

134 “public accountants,” or “PA firm” or the abbreviations
135 “CPAs,” or “PAs,” or any other title, designation, word,
136 combination of letters, abbreviation, sign, card or device that
137 may lead a reasonable person to believe that the business
138 entity is a firm or holds a permit.

139 (i) The display or uttering by a person of any printed,
140 engraved or written instrument, bearing the name of the
141 person in conjunction with any of the claims, titles, words or
142 phrases listed in this section is, for purposes of this section,
143 prima facie evidence that the person has engaged in the acts.

144 (j) Notwithstanding any provision in this section to the
145 contrary, it is not a violation of this section for a firm or
146 business entity which does not hold a permit under section
147 seventeen or an authorization under section nineteen of this
148 article and which does not have an office in this state to
149 provide its professional services in this state so long as it
150 complies with subsection (c) or (d) of section seventeen,
151 whichever is applicable, and with any applicable provision of
152 section nineteen of this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Daniel E. White
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *28th*
day of *March* 2008.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2008

Time 10:15 AM