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CHAPTER 800
STATE BOARD OF TAX PRACTITIONERS

FILING CAPTION: Clarification of licensing exam fees and repeal of work requirement for Enrolled Agents.

EFFECTIVE DATE: 06/01/2018

AGENCY APPROVED DATE: 05/18/2018

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RULES:
800-020-0015, 800-020-0020, 800-020-0025

AMEND: 800-020-0015

RULE TITLE: Application for Examination

NOTICE FILED DATE: 01/22/2018

RULE SUMMARY: Clarifies separate fees for Board licensing exam applications and licensing exam proctoring. Also repeals work requirement for Enrolled Agents to apply to take a tax consultant exam.

RULE TEXT:
(1) (a) An application to take any tax preparer or tax consultant examination offered by the Board must be filed with the Board electronically or on forms prescribed and furnished by the Board.
(b) Each Board Examination Application must be personally signed or electronically authorized by the applicant.
(c) Each Board Examination Application must be accompanied by the appropriate Board Examination Application fee specified in OAR 800-020-0025(1) or (2).
(d) In addition to the Board Examination Application fee paid directly to the Board, each applicant must also pay the Board Examination Application Proctoring fee, in the amount specified in OAR 800-020-0025(22) or (23), directly to the examination proctor.
(e) The Board Examination Application Proctoring Fee, paid directly to the examination proctor, may not exceed the Board Examination Application Proctoring Fee specified in OAR 800-020-0025(22) and (23).
(2) The Board Examination Application and the Board Examination Application Fee fee shall be filed with the Board no later than one (1) month prior to the examination date, except when the Board sets tighter deadlines due to extenuating circumstances.
(3) Completed basic course certification forms as required under OAR 800-015-0005(6) or a photocopy of an official transcript issued by an accredited college or university shall be submitted to the Board by the student with the initial application for a Tax Preparer License. The preparer applicant may file an application to take the examination before completing the basic tax course. Applicants shall furnish the Board a brief outline of courses completed and/or taught, together with a transcript or proof of instruction from the educational institution if the course(s) they completed and/or taught have not received prior approval from the Board. If the Board determines the course(s) completed and/or taught

are comparable to those described in OAR 800-015-0005, the applicant shall be eligible to take the examination.
(4) A tax consultant applicant who is a Licensed Tax Preparer shall submit verification by the applicant's employer, employers or other evidence on forms prescribed and furnished by the Board, that the applicant has worked in the capacity as a Licensed Tax Preparer for not less than a cumulative total of 1100 hours during at least two (2) of the last five (5) years.
(5) An applicant for the state portion of the tax consultant examination who is an Enrolled Agent and is enrolled to practice before the Internal Revenue Service, holding a valid treasury card, may, upon successfully completing the state portion of the tax consultant exam, apply for licensure as a Licensed Tax Consultant.
(6) A tax consultant applicant who is claiming equivalent tax preparer experience shall submit on forms prescribed and furnished by the Board:
(a) Verification by the applicant's employer, employers or other evidence that the applicant has worked in the capacity as a Licensed Tax Preparer for not less than a cumulative total of 1100 hours gained during the course of at least two (2) of the last five (5) calendar years.
(A) The Board will accept employment as an income tax auditor or taxpayer service representative with the Internal Revenue Service or State Department of Revenue as being equivalent experience.
(B) For the purpose of meeting the work experience requirement for tax consultants, one hour of experience gained through volunteer tax preparation programs such as VITA or AARP-TCE will be accepted for each five hours spent preparing, advising or assisting in the preparation of tax returns through the volunteer program, up to a maximum of 220 hours credited. To qualify for the one (1) to five (5) hour experience credit, total hours worked in the volunteer program must be verified in writing by a supervisor knowledgeable in tax preparation.
(b) To claim experience under this section, the applicant must submit a petition signed under penalty of perjury that the work experience claimed is true, correct and complete.
(7) Applicants for the tax consultant examination must have completed, within a year prior to submitting application, a minimum of 15 hours of acceptable continuing education in personal income taxation to meet the requirements of OAR 800-015-0010 to 800-015-0030. This requirement is in addition to the required 1100 hours of work experience earned during at least two (2) of the last five (5) years.
(8) A tax practitioner applicant claiming tax consulting experience in another state shall:
(a) Submit, on a form prescribed and furnished by the Board, a petition signed under penalty of perjury, claiming self-employment as a tax practitioner for at least two (2) of the last five (5) years; and
(b) Furnish documented proof of self-employment as a tax practitioner.
(9) A tax preparer or tax consultant applicant who has worked in the capacity as a tax practitioner in another state or in an exempt status may request Board approval to substitute work experience for up to two-thirds of the classroom hours of basic income tax education otherwise required to qualify as a tax preparer or tax consultant. Approval may be granted to substitute experience for education only if:
(a) The applicant was actively engaged in tax preparation within two (2) years prior to the date of application;
(b) The applicant has at least three (3) years' experience in tax preparation within the last 5 years;
(c) The applicant has gained a competency level through work experience that is equal to those applicants who have successfully completed the basic income tax course; and
(d) The applicant submits verification by the applicant's employer(s) or evidence of self- employment regarding the work experience.
(10) The Board may accept education credit for courses completed by a tax consultant applicant to substitute for a maximum of 375 hours of work experience at the rate of one (1) classroom hour of education for five (5) hours of experience if:
(a) The subject matter of the course was related to taxation;
(b) The applicant completed the course within one (1) year of applying to become a Licensed Tax Consultant; and
(c) Credit for the course is not claimed to fulfill continuing education requirements.
(11) Information required of the applicant and on the application forms shall be completed before an applicant may be

admitted to an examination.

STATUTORY/OTHER AUTHORITY: ORS 673.310(1), 673.730(10)

STATUTES/OTHER IMPLEMENTED: ORS 673.625–673.640

AMEND: 800-020-0020

RULE TITLE: Examinations

NOTICE FILED DATE: 01/19/2018

RULE SUMMARY: Technical clarification regarding scheduling of licensing exams.

RULE TEXT:

(1) Licensing examinations shall be scheduled as the Board deems appropriate but no less than once per year as required by ORS 670.350.

(2) Tax preparer and tax consultant applicant's examination shall be written. Questions shall be so constructed as to measure the applicant's knowledge of Oregon and federal personal income tax law, theory and practice; the provisions of ORS 673.605 to 673.735 and the Code of Professional Conduct. The tax consultant examination shall require a higher standard of knowledge.

(3) A tax preparer applicant must have at least a 75 percent grade or score on the entire examination to pass.

(4) A tax consultant applicant must have at least a 75 percent grade or score on the entire examination to pass.

(5) An enrolled agent who is enrolled to practice before the Internal Revenue Service, holding a valid treasury card, must have at least a 75 percent grade or score on the Consultant's State-Only portion of the examination to pass.

(6) Pass or fail results, including scores, of the examination shall be provided to each examination candidate, electronically or in writing. Results will not be given by any other means.

(7) No review of examination questions by the applicant will be granted.

(8) An applicant who fails to pass the examination shall be eligible for a succeeding examination upon making application and payment of the examination fee.

(9) A tax preparer applicant must re-take the Basic Course if, after two (2) years from Basic Course completion date, the applicant has not yet passed the preparer examination.

(10) An applicant who passes an examination must apply for licensing within 60 days from the examination date. If application for license is not made within 60 calendar days, the applicant must retake the examination, unless there are verifiable circumstances beyond the reasonable control of the applicant, subject to the discretion of the Board.

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 673.310(1), 673.730(10)

STATUTES/OTHER IMPLEMENTED: ORS 673.625–673.640

AMEND: 800-020-0025

RULE TITLE: Fees

NOTICE FILED DATE: 01/22/2018

RULE SUMMARY: Clarifies that separate fees are charged for exam application and exam proctoring.

RULE TEXT:

The fees for application to take any Board examination, for licenses and registrations issued, renewed, reactivated or otherwise, shall be prescribed by the State Board of Tax Practitioners by rule but shall not exceed the following:

(1) The fee for application for examination for a tax preparer's license is $60.

(2) The fee for application for examination for a tax consultant's license is $60.

(3) The fee for issuance of a tax preparer's initial license is $60.

(4) The fee for a combination tax preparer’s initial license/tax preparation business registration is $110.

(5) The fee for renewal of a tax preparer’s active license is $80.

(6) The fee for issuance or renewal of a tax consultant’s active license is $95.

(7) The fee for an initial consultant license, if an applicant holds an active preparer’s license is $65.

(8) The fee for a combination tax consultant’s initial license/tax preparation business registration, if an applicant holds an active preparer’s license is $125.

(9) The fee to place a tax preparer's license in inactive status is $35.

(10) The fee to place a tax consultant's license in inactive status is $50.

(11) The fee for reactivation of a tax preparer license in inactive status is $80.

(12) The fee for reactivation of a tax consultant license in inactive status is $95.

(13) The fee to reactivate a tax preparer or tax consultant license in lapsed status is $35, plus payment of all unpaid renewal fees.

(14) The fee for a duplicate practitioner’s license is $10.

(15) The fee for a duplicate business/branch registration is $10.

(16) The fee for a replacement tax consultant's certificate is $15.

(17) The fee for issuance or renewal of a tax preparation business registration is $110.

(18) As provided by subsection (a) and (b) of this section, the fee for issuance or renewal of a combination tax consultant’s or tax preparer’s license and tax preparation business registration is $155:

(a) For Consultants — If postmarked on or before June 15th.

(b) For Preparers — If postmarked on or before October 15th.

(19) The fee for issuance or renewal of a branch office registration is $20.

(20) The nonrefundable processing fee retained for all refunds issued is $10.

(21) Dishonored Check or Electronic Payment. Pursuant to ORS 30.701, whenever a bank check, credit or debit transaction in payment of an obligation due for fees, penalties, copies of records or materials, or other services to the agency, is dishonored by the bank upon which the check is drawn, the applicant or authorization holder will be assessed and must pay an administrative processing fee in the amount of $25. The Board may take any other disciplinary action against an authorization holder or payer and may seek other legal remedies in pursuing to effect collection of the returned items. If a check is returned for Non-Sufficient Fund (NSF) or uncollected funds the Board will attempt to collect payment by other means.

(22) The proctoring fee for taking an examination for a tax preparer's license is $50.

(23) The proctoring fee for taking an examination for a tax consultant's license is $85

STATUTORY/OTHER AUTHORITY: ORS 673.310; 673.730(10); 673.685

STATUTES/OTHER IMPLEMENTED: ORS 673.685, 673.605 – 673.990