

SENATE FILE NO. SF0082

Certified public accountants.

Sponsored by: Senator(s) Sessions, Job and Meier

A BILL

for

1 AN ACT relating to certified public accountants; modifying
2 provisions regulating the practice of public accounting as
3 specified; providing definitions; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 33-3-101, 33-3-102(a)(intro), (iv) and
9 by creating new paragraphs (vi) through (x), 33-3-103,
10 33-3-105, 33-3-106, 33-3-108(a)(iii), (iv) and by creating
11 a new paragraph (v), 33-3-109(a)(intro), (iv) and by
12 creating a new paragraph (v) and by creating new
13 subsections (c) through (h), 33-3-115, 33-3-116,
14 33-3-118(a)(intro), (b)(intro) and by creating new
15 paragraphs (ix) through (xii), 33-3-119, 33-3-120(a) and
16 (b), 33-3-121(a)(intro), (xi), (b) and by creating new
17 subsections (c) and (d), 33-3-124, 33-3-125 (a) and (b),

1 33-3-126, 33-3-127, 33-3-130, 33-3-132(a)(iii) and (b) and
2 33-3-201(a) are amended to read:

3

4 **33-3-101. Citation.**

5

6 This act may be cited as the "Certified Public Accountant's
7 Act of ~~1975-2004~~". This act applies to certified public
8 accountants (CPAs) and CPA firms and those who hold
9 themselves out to be CPAs and CPA firms.

10

11 **33-3-102. Definitions.**

12

13 (a) As used in ~~the Certified Public Accountant's Act~~
14 ~~of 1975~~ this act:

15

16 (iv) "Permit" means a permit to engage in the
17 practice of public accounting as a ~~certified public~~
18 ~~accountant~~ "CPA firm" issued by the board under W.S.
19 ~~33-3-120~~ 33-3-118 which has not expired, been revoked or
20 suspended;

21

22 (vi) "Attest service" means any audit or other
23 engagement performed in accordance with the Statements on
24 Auditing Standards (SAS), any review performed in

1 accordance with the Statements on Standards for Accounting
2 and Review Services (SSARS) or any examination of
3 prospective financial information to be performed in
4 accordance with the Statement on Standards for Attestation
5 Engagements (SSAE). The statements on standards specified
6 in this definition shall be adopted by the board pursuant
7 to the Wyoming Administrative Procedure Act and shall be
8 those developed for general application by recognized
9 national accountancy organizations such as the American
10 Institute of Certified Public Accountants;

11

12 (vii) "Compilation service" means providing a
13 service to be performed in accordance with the Statement on
14 Standards for Accounting and Review Services (SSARS) that
15 is presenting in the form of financial statements,
16 information that is the representation of the client or the
17 client's management (owners) without undertaking to express
18 any assurance on the statements;

19

20 (viii) "CPA firm" means any form of organization
21 allowed by state law that has been issued a permit under
22 this act;

23

1 (ix) "Certificate" means a certificate as
2 "certified public accountant" issued under this act or
3 corresponding provisions of prior law, or a corresponding
4 certificate as certified public accountant issued after
5 examination under the law of any other state;

6
7 (x) "This act" means W.S. 33-3-101 through
8 33-3-131.

9
10 **33-3-103. Wyoming board of certified public**
11 **accountants; creation; members; vacancies; removal;**
12 **reappointment.**

13
14 There is created a Wyoming board of certified public
15 accountants. The board shall consist of five (5) members
16 appointed by the governor. Members of the board shall be
17 citizens of the United States and residents of Wyoming.
18 ~~Three (3)~~ Four (4) members of the board shall be persons
19 who hold certified public ~~account~~ accountant certificates
20 issued under the laws of Wyoming and ~~who are in active~~
21 ~~practice and~~ are in good standing as certified public
22 accountants. ~~One (1) member of the board shall be a person~~
23 ~~who holds a certified public accountant certificate issued~~
24 ~~under the laws of Wyoming and who is not in active~~

1 ~~practice.~~—One (1) member of the board shall be a member of
2 the general public. The members of the board first to be
3 appointed shall hold office, one (1) for one (1) year, two
4 (2) for two (2) years and two (2) for three (3) years from
5 July 1, 1975, the term of each to be designated by the
6 governor. Their successors shall be appointed for terms of
7 three (3) years. Vacancies occurring during a term shall be
8 filled by appointment for the unexpired term. Upon the
9 expiration of his term of office a member shall continue to
10 serve until his successor is appointed and qualified. The
11 governor shall remove any member from the board whose
12 ~~permit~~ certificate has been revoked or suspended, and may
13 remove any member of the board as provided in W.S. 9-1-202.
14 No person, who has served two (2) successive complete terms
15 of one (1), two (2) or three (3) years is eligible for
16 reappointment until after the lapse of one (1) year. An
17 appointment to fill an unexpired term is not considered a
18 complete term.

19

20 **33-3-105. Annual register; contents.**

21

22 The board shall prepare for public distribution, in July of
23 each year, an annual register which shall contain the
24 names, arranged alphabetically by classifications, of all

1 certified public accountants, ~~holding permits,~~ the names of
2 the members of the board and other matters deemed proper by
3 the board. Copies of the register shall be ~~mailed to each~~
4 ~~permit holder~~ made available to each certificate holder who
5 requests a copy.

6

7 **33-3-106. Compensation of board members; expenses.**

8

9 Each member of the board shall be paid an amount, not
10 exceeding ~~fifty dollars (\$50.00)~~ one hundred dollars
11 (\$100.00), for each day spent in the discharge of his
12 official duties and mileage and per diem allowance as
13 allowed to state employees. Compensation, reimbursement of
14 expenses and all other obligations incurred by the board
15 shall be paid from the certified public accountant's
16 account.

17

18 **33-3-108. Rules and regulations; procedure.**

19

20 (a) The board shall prescribe rules and regulations
21 not inconsistent with the provisions of this act as it
22 deems consistent with, or required by, the public welfare.
23 The rules and regulations shall include:

24

1 (iii) Regulations governing educational and
2 experience requirements for issuance of the certificate of
3 certified public accountant, and further educational
4 requirements, and not exceeding one hundred twenty (120)
5 hours for each three (3) year period, to be met from time
6 to time by ~~permit~~-certificate holders in order to maintain
7 their professional knowledge and competence, as a condition
8 to continuing in the practice of public accountancy as a
9 certified public accountant;

10
11 (iv) Regulations governing ~~corporations~~-CPA
12 firms practicing public accounting which use the title
13 "certified public accountant", including but not limited to
14 rules concerning style, name, title and affiliation with
15 any other organization;;

16
17 (v) Rules governing the determination of
18 substantial equivalence for the issuance of certificates
19 under W.S. 33-3-116 to individuals who hold valid CPA
20 certificates or licenses from any state when the state's
21 certificate or licensure requirements are substantially
22 equivalent to those under this act as determined by the
23 board.

24

1 **33-3-109. Certified public accountant;**
2 **qualifications.**

3

4 (a) ~~A~~An active certificate of "certified public
5 accountant" shall be granted by the board to any person:

6

7 (iv) Who has passed a written examination in
8 accounting and auditing and other related subjects the
9 board determines to be appropriate;~~;~~ and

10

11 (v) Who has completed at least one (1) year of
12 full-time experience in the practice of public accounting.
13 The experience shall include providing any type of service
14 or advice involving the use of accounting skills, any
15 auditing, review, or compilation service, any management
16 advisory or financial advisory service, or any tax or
17 consulting service. Experience shall be verified by an
18 active CPA or the equivalent as determined by the board, or
19 by providing representative samples of work as determined
20 by the board. The experience shall be acceptable if it is
21 gained through employment in government, industry, academia
22 or public accounting.

23

1 (c) As used in this section, the practice of public
2 accounting means holding oneself out to the public in such
3 a manner as to state or imply that one is:

4
5 (i) Skilled in the practice of accounting and
6 auditing;

7
8 (ii) Qualified to express any form of assurance
9 on financial statements;

10
11 (iii) Qualified to express opinions on financial
12 statements for credit purposes, for use in the courts of
13 law or equity, or for other purposes involving third party
14 reliance on these financial statements; or

15
16 (iv) Skilled in the provision of any accounting
17 service including recording and summarizing financial
18 transactions, analyzing and verifying financial
19 information, reporting financial results to an employer,
20 clients, or other parties and rendering tax or management
21 advisory services to any employer, clients or other
22 parties.

23

1 (d) There shall be an annual certificate fee not
2 exceeding three hundred dollars (\$300.00) to be determined
3 by the board. All certificates shall expire on the last day
4 of December of each year and may be renewed annually for a
5 period of one (1) year by certificate holders and
6 registrants who meet the requirements specified in
7 subsection (a) of this section and upon payment of the
8 annual fee. If the annual certificate fee is not paid by
9 the first day of November, a late renewal fee as set by the
10 board, not to exceed one hundred fifty dollars (\$150.00)
11 will be added to the renewal fee.

12
13 (e) Applications for renewal of an active certificate
14 shall be accompanied by evidence of satisfaction of the
15 continuing education requirements during the last three (3)
16 years preceding the application. Failure by an individual
17 applicant to furnish this evidence shall constitute grounds
18 for nonrenewal under W.S. 33-3-121, unless the board
19 determines the failure is due to reasonable cause or
20 excusable neglect. The board may renew a certificate
21 despite the failure to furnish evidence of satisfaction of
22 the requirements of continuing education upon the condition
23 that the applicant follow a particular future program or
24 schedule of continuing education. In issuing rules,

1 regulations and individual orders regarding requirements of
2 continuing education, the board may use and rely upon
3 guidelines and pronouncements of recognized educational and
4 professional associations, may prescribe the content,
5 duration and organization of courses, shall take into
6 account the applicant's accessibility to continuing
7 education courses and any impediments to the interstate
8 practice of public accountancy which may result from
9 differences in these requirements in other states and may
10 provide for relaxation or suspension of the requirements
11 for applicants who certify that they do not intend to
12 engage in the practice of public accountancy or for
13 instances of individual hardship.

14
15 (f) Persons holding a certificate issued under W.S.
16 33-3-109 or 33-3-116 but who do not practice public
17 accounting in Wyoming and have not lost the right to active
18 status shall place the certificate on an inactive status.
19 A person classified as inactive shall pay an annual
20 inactive fee not exceeding one-half (1/2) the annual fee
21 charged to active certificate holders. If the fee is not
22 paid by December 31, a late fee as set by the board, not in
23 excess of seventy-five dollars (\$75.00), will be added to
24 the annual fee. A person classified as inactive may assume

1 or use the title or designation "certified public
2 accountant" or the abbreviation "CPA" and shall use the
3 words "inactive" adjacent to the designation "CPA" or
4 "certified public accountant".

5
6 (g) The board by regulation may allow persons to
7 retire the certificate. A person classified as retired
8 shall pay a one-time fee of fifty dollars (\$50.00). A
9 person classified as retired may assume or use the title or
10 designation "certified public accountant" or the
11 abbreviation "CPA" and shall use the words "retired"
12 adjacent to the designation "CPA" or "certified public
13 accountant".

14
15 (h) Any individual certificate holder who is
16 responsible for supervising attest or compilation services
17 or signs or authorizes someone to sign the accountant's
18 report on the financial statements shall meet the
19 experience or competency requirements set forth in the
20 professional standards for such services.

21
22 **33-3-115. Certificates under prior law; recognition**
23 **given; subject to W.S. 33-3-101 through 33-3-131.**

24

1 Persons who hold certified public accountant certificates
2 ~~on July 1, 1975,~~ issued under prior laws of Wyoming are not
3 required to obtain additional certificates or register
4 under the provisions of this act, but are subject to all
5 other provisions of this act. Certificates issued under
6 prior law shall be considered certificates issued under the
7 provisions of this act. All certificate holders who
8 maintained the certificate on inactive status under prior
9 law may continue to hold the certificate pursuant to the
10 terms of this act without meeting additional experience
11 requirements under W.S. 33-3-109(a)(v). All certificate
12 holders who provide services in Wyoming as defined in W.S.
13 33-3-109(a)(vi) shall maintain the certificate on active
14 status.

15

16 **33-3-116. Waiver of examination; holders of**
17 **certificates in sister states or foreign countries.**

18

19 ~~The board may waive the examination and may issue a~~
20 ~~certificate as a certified public accountant to any person~~
21 ~~who meets the requirements specified in W.S.~~
22 ~~33-3-109(a)(iv) and who is the holder of a certificate as a~~
23 ~~certified public accountant, then in full force and effect,~~
24 ~~issued under the laws of any state, or who is a holder of a~~

1 ~~certificate, license or degree from a foreign country~~
2 ~~constituting a recognized qualification for the practice of~~
3 ~~public accounting in that country, comparable to that of a~~
4 ~~certified public accountant of Wyoming~~ The board may issue
5 a certificate as a certified public accountant to any
6 person who holds a certificate of a certified public
7 accountant, then in full force and effect, issued under the
8 laws of any state when that person meets requirements which
9 are substantially equivalent to the requirements set forth
10 in W.S. 33-3-109(a)(ii) through (vi).

11
12 **33-3-118. Requirements for and registration as firm**
13 **of certified public accountants.**

14
15 (a) ~~A partnership engaged in Wyoming in the practice~~
16 ~~of public accounting may register with the board as a~~
17 ~~partnership of certified public accountants, if it meets~~
18 ~~all the following requirements:~~ CPA firms may practice in
19 any form of organization allowed by state law that has been
20 issued a permit under this act.

21
22 (b) ~~A corporation organized for the practice of~~
23 ~~public accounting may register with the board as a~~
24 ~~corporation of certified public accountants if it meets all~~

1 ~~of the following requirements~~ The board shall grant permits
2 to CPA firms engaged in the practice of public accounting
3 that demonstrate their qualifications in accordance with
4 the following paragraphs:

5
6 (ix) Each resident manager in charge of a
7 Wyoming office and each partner, shareholder, or member who
8 is a CPA and is engaged within Wyoming in the practice of
9 public accounting shall be a certified public accountant of
10 Wyoming.

11
12 (x) Notwithstanding any other provision of law,
13 a simple majority of the ownership of the firm, in terms of
14 financial interests and voting rights of all partners,
15 officers, shareholders, members or managers, shall belong
16 to certificate holders who hold active certificates,
17 licenses or permits in some state. Although firms may
18 include noncertificate holder owners, the firm and its
19 ownership shall comply with rules promulgated by the board.

20
21 (xi) Any CPA firm may include noncertificate
22 holders provided that the firm designates a certificate
23 holder of this state who is responsible for the proper
24 registration of the firm and identifies that individual to

1 the board and that all noncertificate holders are active
2 participants in the CPA firm. This designated certificate
3 holder shall be responsible for all notifications required
4 by this act and the rules and regulations of the board.

5
6 (xii) Any CPA firm which is not in compliance
7 with paragraph (x) of this section due to changes in firm
8 ownership or personnel after receiving or renewing a
9 permit, shall take corrective action to bring the firm back
10 into compliance. The board may grant a period of time for
11 a firm to take corrective action, failure to do so will
12 result in the suspension or revocation of the firm permit.

13
14 **33-3-119. Accounting offices; registration.**

15
16 Each office of a certified public accountant established or
17 maintained in Wyoming for the practice of public accounting
18 which is advertised as an office of a certified public
19 accountant shall be registered annually with the board. No
20 fee shall be charged for the registration of offices. Each
21 office shall be under the direct supervision of a resident
22 manager who holds ~~a permit. The resident manager may serve~~
23 ~~in that capacity at one (1) office only~~ an active Wyoming

1 certificate. The board shall by regulation prescribe the
2 procedure to be followed in effecting these registrations.

3

4 **33-3-120. Permits; annual fee; renewal; requirements.**

5

6 (a) Permits to engage in the practice of public
7 accounting as a certified public accountant firm in Wyoming
8 shall be issued by the board to ~~holders of certificates of~~
9 ~~certified public accountant issued under this act who~~
10 ~~furnish evidence satisfactory to the board showing~~
11 ~~compliance with the requirements of subsections (c) and (f)~~
12 ~~of this section, and to partnerships, corporations and~~
13 ~~limited liability companies~~ CPA firms registered under this
14 act if all offices of the ~~certificate holder or~~ registrant
15 are maintained and registered as required under W.S.
16 33-3-119.

17

18 (b) There shall be an annual permit fee not exceeding
19 three hundred dollars (\$300.00) to be determined by the
20 board. All permits shall expire on the last day of December
21 of each year and may be renewed annually for a period of
22 one (1) year by ~~certificate holders and~~ registrants who
23 meet the requirements specified in subsection (a) of this
24 section and upon payment of the annual permit fee. If the

1 annual permit fee is not paid by the first day of November,
2 a late renewal fee as set by the board, not to exceed one
3 hundred fifty dollars (\$150.00), will be added to the
4 renewal fee. ~~Failure of a certificate holder or registrant
5 to apply for an annual permit to practice within three (3)
6 years from the expiration date of the permit to practice
7 last obtained or renewed, or three (3) years from the date
8 upon which the certificate holder or registrant was granted
9 his certificate or registration, if no permit was ever
10 issued to him, shall deprive him of the right to a permit,
11 unless the board determines the failure to have been due to
12 reasonable cause or excusable neglect. In this case the
13 renewal fee or the fee for the issuance of the original
14 permit shall be an amount not in excess of four hundred
15 fifty dollars (\$450.00), to be determined by the board.~~

16

17 **33-3-121. Certificates and permits; disciplinary**
18 **action; grounds.**

19

20 (a) After notice and hearing, the board may revoke,
21 refuse to renew, reprimand, censure, place on probation
22 with or without terms, conditions or limitations, assess an
23 administrative penalty of up to two thousand dollars
24 (\$2,000.00) or may suspend for a period not to exceed two

1 (2) years, any certificate issued under this act or may
2 revoke, suspend or refuse to renew any permit issued under
3 this act or may censure the holder of a permit for any of
4 the following causes:

5

6 (xi) Failure of a certificate or permit holder
7 to show compliance with W.S. 33-3-132 regarding practice
8 monitoring programs.

9

10 (b) Upon receipt from the department of family
11 services of a certified copy of an order from a court to
12 withhold, suspend or otherwise restrict a license issued by
13 the board, the board shall notify the party named in the
14 court order of the withholding, suspension or restriction
15 of the ~~license~~certificate or permit in accordance with the
16 terms of the court order. No appeal under the Wyoming
17 Administrative Procedure Act shall be allowed for a ~~license~~
18 certificate or permit withheld, suspended or restricted
19 under this subsection.

20

21 (c) In lieu of or in addition to any remedy
22 specifically provided in subsection (a) of this section,
23 the board may require a certificate or permit holder to
24 complete such continuing professional education programs as

1 the board may specify or undergo peer review as the board
2 may specify.

3

4 (d) Any administrative penalty assessed shall be paid
5 to the board and remitted to the county treasurer to the
6 credit of the public school fund of the county in which the
7 violation occurred.

8

9 **33-3-124. Reinstatement of certificate or permit for**
10 **good cause shown.**

11

12 Upon written application and after hearing and for good
13 cause shown, the board may issue a new certificate to a
14 certified public accountant whose certificate has been
15 revoked or may reissue or modify the suspension of any
16 certificate or permit which has been revoked or suspended.

17 If a ~~license~~certificate or permit is suspended or
18 restricted under W.S. 33-2-121(b), the ~~license~~certificate
19 or permit may be reissued without the hearing required
20 under this section if the department of family services
21 provides notice that the applicant has complied with the
22 terms of the court order that resulted in the suspension or
23 restriction of the ~~license~~certificate or permit issued
24 under this chapter.

1

2 **33-3-125. Certified public accountant; use of**
3 **designation; requirements.**

4

5 (a) Except as permitted by the board under W.S.
6 ~~33-3-120(d) and 33-3-128~~ 33-3-109(f) and (g), no person
7 shall assume or use the title or designation "certified
8 public accountant" or the abbreviation "CPA" or any other
9 title, designation, words, letters, abbreviation, sign,
10 card or device tending to indicate that the person is a
11 certified public accountant unless the person has received
12 a certificate as a certified public accountant under the
13 provisions of this act. ~~and holds a permit.~~

14

15 (b) No ~~partnership or corporation~~ CPA firm shall use
16 the title or designation "certified public accountant" or
17 the abbreviation "CPA" or any other title, designation,
18 words, letters, abbreviation, sign, card or device tending
19 to indicate that the ~~partnership or corporation~~ CPA firm is
20 composed of certified public accountants unless the
21 ~~partnership or corporation~~ CPA firm is registered as a
22 ~~partnership or corporation~~ CPA firm of certified public
23 accountants under the provisions of this act and the
24 ~~partnership or corporation~~ CPA firm holds a permit.

1

2 **33-3-126. Use of misleading terms or abbreviations**
3 **prohibited.**

4

5 No person, ~~partnership or corporation~~ or organization shall
6 use the title or designation "certified accountant",
7 "chartered accountant", "enrolled accountant", "registered
8 accountant", "accredited accountant" or any other title or
9 designation likely to be confused with "certified public
10 accountant" or any of the abbreviations "CA", ~~"EA"~~, "RA",
11 or "AA", or similar abbreviations likely to be confused
12 with "CPA". This section shall not prohibit the use of the
13 term "public accountant" or the initials "PA".

14

15 **33-3-127. CPA firm name; wording used; requirements.**

16

17 No person shall assume or use the title or designation
18 "certified public accountant" in conjunction with names
19 indicating or implying that there is a partnership, limited
20 liability company or corporation, or in conjunction with
21 the designation "and Company" or "and Co." or a similar
22 designation if there is in fact no bona fide partnership,
23 limited liability company or corporation registered under
24 the provisions of this act.

1

2

33-3-130. Violation; penalty.

3

4

Any person who violates any provision of W.S. 33-3-125

5

through 33-3-127 is guilty of a misdemeanor, and upon

6

conviction shall be fined not more than ~~one hundred dollars~~

7

~~(\$100.00)~~ one thousand dollars (\$1,000.00) or be imprisoned

8

~~in the county jail~~ not more than ~~six (6)~~ twelve (12) months

9

or both.

10

11

33-3-132. Practice monitoring program.

12

13

(a) As used in this article:

14

15

(iii) "Reviewer" means a ~~licensed~~ certified public accountant active in public practice and fulfilling requirements for peer reviewers as established by the American Institute of Certified Public Accountants.

16

17

(b) The board may require, on a uniform basis, that

18

certificate and permit holders undergo practice monitoring

19

conducted in such a manner as the board may specify by rule

20

and regulation.

21

1 **33-3-201. Accountants; liability; definitions.**

2

3 (a) As used in this article, "accountant" means any
4 individual holding a certificate as a certified public
5 accountant under W.S. ~~33-3-120~~ 33-3-109 or 33-3-116 or any
6 ~~partnership, corporation or any other allowable form of~~
7 ~~practice~~ CPA firm registered with the state board of
8 certified public accountants under W.S. 33-3-118 or any
9 employee, agent, partner, manager, member, officer or
10 shareholder of any partnership, corporation or any other
11 allowable form of organization registered with the state
12 board of certified public accountants.

13

14 **Section 2.** W.S. 33-3-114, 33-3-117, 33-3-118(a)(i)
15 through (iii), (b)(i) through (viii) and (c), 33-3-120(c)
16 through (g), 33-3-121(a)(ix), 33-3-122 and 33-3-128 are
17 repealed.

18

19 **Section 3.** This act is effective July 1, 2004.

20

21

(END)