

ENROLLED SENATE
BILL NO. 605

By: Herbert of the Senate

and

Bastin and Widener of the
House

An Act relating to professional corporations;
amending 18 O.S. 1991, Section 803, as amended
by Section 1, Chapter 345, O.S.L. 1993 (18 O.S.
Supp. 1993, Section 803), which relates to
definitions; including optometrists in list of
professionals who may combine for professional
corporation purposes to provide related
professional services; removing archaic
language; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 18 O.S. 1991, Section 803, as
amended by Section 1, Chapter 345, O.S.L. 1993 (18 O.S. Supp. 1993,
Section 803), is amended to read as follows:

Section 803. A. As used herein, unless the context clearly
indicates that a different meaning is intended:

1. "Professional corporation" means a corporation organized
under the Professional Corporation Act~~;~~;

2. "Professional service" means the personal service rendered
by:

- a. a physician, surgeon or doctor of medicine pursuant to
a license under Title 59 of the Oklahoma Statutes,
Sections 481 through 524, and any subsequent laws
regulating the practice of medicine~~;~~;
- b. an osteopathic physician or surgeon pursuant to a
license under Title 59 of the Oklahoma Statutes,
Sections 621 through 643, and any subsequent laws
regulating the practice of osteopathy~~;~~;
- c. a chiropractor pursuant to a license under Title 59 of
the Oklahoma Statutes, Sections 161 through 170, and
any subsequent laws regulating the practice of
chiropractic~~;~~;
- d. a ~~chiropract~~ podiatrist pursuant to a license under
Title 59 of the Oklahoma Statutes, Sections 136
through 160.2, and any subsequent laws regulating the
practice of chiropody~~;~~;
- e. an optometrist pursuant to a license under Title 59 of
the Oklahoma Statutes, Sections 581 through 606, and
any subsequent laws regulating the practice of
optometry~~;~~;
- f. a veterinarian pursuant to a license under Title 59 of
the Oklahoma Statutes, Sections 698.1 through 698.19,
and any subsequent laws regulating the practice of
veterinary medicine~~;~~;

- g. an architect pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 45.1 through 45.24, and any subsequent laws regulating the practice of architecture~~+~~+
- h. an attorney pursuant to his authority to practice law granted by the Supreme Court of the State of Oklahoma~~+~~+
- i. a dentist pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 328.1 through 328.50, and any subsequent laws regulating the practice of dentistry~~+~~+
- j. a certified public accountant or a public accountant pursuant to his authority to practice accounting under Title 59 of the Oklahoma Statutes, Sections 15.1 through 15.35, and any subsequent laws regulating the practice of public accountancy~~+~~+
- k. a psychologist pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 1351 through 1375, and any subsequent laws regulating the practice of psychology~~+~~+
- l. a physical therapist pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 887.1 through 887.17, and any subsequent laws regulating the practice of physical therapy~~+~~+
- m. a registered nurse pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 567.1 through 567.16, and any other subsequent laws regulating the practice of nursing~~+~~+
- n. a professional engineer pursuant to a license under Sections 475.1 through 475.22 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of engineering~~+~~+
- o. a land surveyor pursuant to a license under Sections 475.24 through 475.37 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying~~+~~+

3. "Related professional services" means those services which are combined for professional corporation purposes as follows:

- a. any combination of the following professionals:
 - (1) a physician, surgeon or doctor of medicine pursuant to a license under Sections 481 through 524 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of medicine~~+~~+
 - (2) an osteopathic physician or surgeon pursuant to a license under Sections 621 through 643 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of osteopathy~~+~~+
 - (3) a dentist pursuant to a license under Sections 328.1 through 328.50 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry~~+~~+
 - (4) a chiropractor pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 161 through 170, and any subsequent laws regulating the practice of chiropractic~~+~~+
 - (5) a psychologist pursuant to a license under Title 59 of the Oklahoma Statutes, Sections 1351 through 1375, and any subsequent laws regulating the practice of psychology~~+~~+

- (6) an optometrist pursuant to a license under Sections 581 through 606 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of optometry, or
 - (7) a podiatrist pursuant to a license under Sections 136 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatry.
- b. any combination of the following professions:
- (1) an architect pursuant to a license under Sections 45.1 through 45.24 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of architecture.
 - (2) a professional engineer pursuant to a license under Sections 475.1 through 475.22 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of engineering, or
 - (3) a land surveyor pursuant to a license under Sections 475.24 through 475.37 of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying.

4. "Regulating board" means the board which is charged with the licensing and regulation of the practice of the profession which the professional corporation is organized to render.

5. "Individual", "incorporator" and "shareholder" each include the trustee of an express trust created by a person duly licensed to render a professional service who has the right to revoke said trust and who is serving as the trustee of said trust. Any certificate required by ~~this act~~ the Professional Corporation Act to be issued to an individual incorporator or shareholder may be issued to the grantor on behalf of a trust. All references in ~~this act~~ the Professional Corporation Act to death and incapacity of a shareholder shall include the death and incapacity of the grantor of a trust which own stock in a professional corporation.

6. "Incapacity" of a shareholder means a determination by a court of competent jurisdiction, or otherwise by two independent licensed physicians, that the share holder is fully incapacitated or is partially incapacitated to the extent that the shareholder is not capable of rendering the professional service for which the professional corporation was organized; and

7. "Other personal representative" include the successor trustee of an express trust owning stock in a professional corporation, which trust was created by a person duly licensed to render the professional service for which the professional corporation was organized who has the right to revoke the trust and who is the original trustee of the trust.

B. The definitions of the Oklahoma General Corporation Act shall apply to this act, unless the context clearly indicates that a different meaning is intended.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of May, 1994.

President of the Senate
Passed the House of Representatives the 16th day of May, 1994.

Speaker of the House of
Representatives