

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 737

By: Leewright

AS INTRODUCED

An Act relating to real estate appraisers; amending 18 O.S. 2011, Sections 803, as amended by Section 1, Chapter 42, O.S.L. 2012, and 819 (18 O.S. Supp. 2018, Section 803), which relate to the Professional Entity Act; modifying definition; conforming language; updating statutory language; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 18 O.S. 2011, Section 803, as amended by Section 1, Chapter 42, O.S.L. 2012 (18 O.S. Supp. 2018, Section 803), is amended to read as follows:

Section 803. A. As used in the Professional Entity Act, unless the context clearly indicates that a different meaning is intended:

1. "Associated act" means the Oklahoma General Corporation Act, in the case of a corporation; the Oklahoma Revised Uniform Limited Partnership Act, in the case of a limited partnership; or the Oklahoma Limited Liability Company Act, in the case of a limited liability company;

1       2. "Interest" means a share of stock in a corporation, a  
2 partnership interest in a limited partnership or a membership  
3 interest in a limited liability company;

4       3. "Owner" means a shareholder in the case of a corporation, a  
5 general or limited partner in the case of a limited partnership or a  
6 member in the case of a limited liability company;

7       4. "Manager" means a director or officer in the case of a  
8 corporation, a general partner in the case of a limited partnership  
9 or a manager in the case of a limited liability company;

10       5. "Professional entity" means a domestic corporation, limited  
11 partnership or limited liability company formed for the purpose of  
12 rendering professional service;

13       6. "Professional service" means the personal service rendered  
14 by:

- 15           a. a physician, surgeon or doctor of medicine pursuant to  
16 a license under Sections 481 through 524 of Title 59  
17 of the Oklahoma Statutes, and any subsequent laws  
18 regulating the practice of medicine,
- 19           b. an osteopathic physician or surgeon pursuant to a  
20 license under Sections 620 through 645 of Title 59 of  
21 the Oklahoma Statutes, and any subsequent laws  
22 regulating the practice of osteopathy,
- 23           c. a chiropractic physician pursuant to a license under  
24 Sections 161.1 through 161.20 of Title 59 of the  
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- Oklahoma Statutes, and any subsequent laws regulating the practice of chiropractic,
- d. a podiatric physician pursuant to a license under Sections 135.1 through 160.2 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of podiatric medicine,
  - e. 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,
  - f. a veterinarian pursuant to a license under Sections 698.1 through 698.30b of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of veterinary medicine,
  - g. an architect pursuant to a license under Sections 46.1 through 46.41 of Title 59 of the Oklahoma Statutes, 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 Sections 328.1 through 328.53 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of dentistry,

- 1 j. a certified public accountant or a public accountant  
2 pursuant to his or her authority to practice  
3 accounting under Sections 15.1 through 15.38 of Title  
4 59 of the Oklahoma Statutes, and any subsequent laws  
5 regulating the practice of public accountancy,  
6 k. a psychologist pursuant to a license under Sections  
7 1351 through 1376 of Title 59 of the Oklahoma  
8 Statutes, and any subsequent laws regulating the  
9 practice of psychology,  
10 l. a physical therapist pursuant to a license under  
11 Sections 887.1 through 887.18 of Title 59 of the  
12 Oklahoma Statutes, and any subsequent laws regulating  
13 the practice of physical therapy,  
14 m. a registered nurse pursuant to a license under  
15 Sections 567.1 through 567.19 of Title 59 of the  
16 Oklahoma Statutes, and any other subsequent laws  
17 regulating the practice of nursing,  
18 n. a professional engineer pursuant to a license under  
19 Sections 475.1 through 475.22a of Title 59 of the  
20 Oklahoma Statutes, and any subsequent laws relating to  
21 the practice of engineering,  
22 o. a land surveyor pursuant to a license under Sections  
23 475.1 through 475.22a of Title 59 of the Oklahoma  
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- 1 Statutes, and any subsequent laws relating to the  
2 practice of land surveying,
- 3 p. an occupational therapist pursuant to Sections 888.1  
4 through 888.15 of Title 59 of the Oklahoma Statutes  
5 and any subsequent law regulating the practice of  
6 occupational therapy,
- 7 q. a speech pathologist or speech therapist pursuant to  
8 Sections 1601 through 1622 of Title 59 of the Oklahoma  
9 Statutes, and any subsequent law regulating the  
10 practice of speech pathology,
- 11 r. an audiologist pursuant to Sections 1601 through 1622  
12 of Title 59 of the Oklahoma Statutes, and any  
13 subsequent law regulating the practice of audiology,
- 14 s. a registered pharmacist pursuant to Sections 353  
15 through 366 of Title 59 of the Oklahoma Statutes, and  
16 any subsequent law regulating the practice of  
17 pharmacy,
- 18 t. a licensed perfusionist pursuant to Sections 2051  
19 through 2071 of Title 59 of the Oklahoma Statutes, and  
20 any subsequent laws regulating the practice of  
21 perfusionists,
- 22 u. a licensed professional counselor pursuant to Sections  
23 1901 through 1920 of Title 59 of the Oklahoma  
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- Statutes, and any subsequent law regulating the practice of professional counseling,
- v. a licensed marital and family therapist pursuant to Sections 1925.1 through 1925.18 of Title 59 of the Oklahoma Statutes, and any subsequent law regulating the practice of marital and family therapy,
  - w. a dietitian licensed pursuant to Sections 1721 through 1739 of Title 59 of the Oklahoma Statutes and any subsequent laws regulating the practice of dietitians,
  - x. a social worker licensed pursuant to Sections 1250 through 1273 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of social work,
  - y. a licensed alcohol and drug counselor pursuant to Sections 1870 through 1885 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of alcohol and drug counseling, ~~or~~
  - z. a licensed behavioral practitioner pursuant to Sections 1930 through 1949.1 of Title 59 of the Oklahoma Statutes, and any subsequent laws regulating the practice of behavioral health services, or
  - aa. a certified real estate appraiser licensed pursuant to Sections 858-700 through 858-732 of Title 59 of the Oklahoma Statutes or listed on the National Registry

1                   of Appraisers by the Appraisal Subcommittee in  
2                   compliance with Title XI of the Financial Institutions  
3                   Reform, Recovery, and Enforcement Act (FIRREA) of  
4                   1989, and any subsequent laws regulating the practice  
5                   of real estate appraisal;

6           7. "Related professional services" means those services which  
7 are combined for professional entity purposes as follows:

8           a. any combination of the following professionals:

- 9                   (1) a physician, surgeon or doctor of medicine  
10                   pursuant to a license under Sections 481 through  
11                   524 of Title 59 of the Oklahoma Statutes, and any  
12                   subsequent laws regulating the practice of  
13                   medicine,  
14                   (2) an osteopathic physician or surgeon pursuant to a  
15                   license under Sections 620 through 645 of Title  
16                   59 of the Oklahoma Statutes, and any subsequent  
17                   laws relating to the practice of osteopathy,  
18                   (3) a dentist pursuant to a license under Sections  
19                   328.1 through 328.53 of Title 59 of the Oklahoma  
20                   Statutes, and any subsequent laws regulating the  
21                   practice of dentistry,  
22                   (4) a chiropractic physician pursuant to a license  
23                   under Sections 161.1 through 161.20 of Title 59  
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- of the Oklahoma Statutes, and any subsequent laws  
regulating the practice of chiropractic,
- (5) a psychologist pursuant to a license under  
Sections 1351 through 1376 of Title 59 of the  
Oklahoma Statutes, 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,
- (7) a podiatric physician pursuant to a license under  
Sections 135.1 through 160.2 of Title 59 of the  
Oklahoma Statutes, and any subsequent laws  
regulating the practice of podiatric medicine,
- (8) a dietitian licensed pursuant to Sections 1721  
through 1739 of Title 59 of the Oklahoma Statutes  
and subsequent laws regulating the practice of  
dietitians, or
- (9) an occupational therapist pursuant to Sections  
888.1 through 888.15 of Title 59 of the Oklahoma  
Statutes and any subsequent law regulating the  
practice of occupational therapy, or
- b. any combination of the following professions:



- (1) an architect pursuant to a license under Sections 46.1 through 46.41 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 475.22a 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 475.1 through 475.22a of Title 59 of the Oklahoma Statutes, and any subsequent laws relating to the practice of land surveying;

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

9. "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~~ the trust and who is serving as the trustee of ~~said~~ the trust. Any certificate required by the Professional Entity Act to be issued to an individual incorporator or shareholder may be issued to the grantor on behalf of a trust. All references in the Professional Entity Act to death and incapacity of a shareholder shall include

1 the death and incapacity of the grantor of a trust which own stock  
2 in a professional corporation;

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

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

15 B. The definitions of the applicable associated act shall apply  
16 to ~~this act~~ the Professional Entity Act, unless the context clearly  
17 indicates that a different meaning is intended.

18 SECTION 2. AMENDATORY 18 O.S. 2011, Section 819, is  
19 amended to read as follows:

20 Section 819. All laws and rules and parts of laws and rules in  
21 conflict with any of the provisions of ~~this act~~ the Professional  
22 Entity Act or otherwise restricting the forms of organization  
23 available to persons providing professional services shall be  
24 inapplicable to professional entities formed under ~~this act~~ the

1 Professional Entity Act; provided, however, that nothing in ~~this act~~  
2 the Professional Entity Act shall be construed to supersede the  
3 provisions of 59 O.S. 1951, Sections 581 through 592, both  
4 inclusive, Sections 601 through 606, both inclusive, Sections 858-  
5 700 through 858-732, both inclusive, or Sections 941 through 947, of  
6 Title 59 of the Oklahoma Statutes, both inclusive, as amended. In  
7 the event of the conflict of any of the provisions of ~~this act~~ the  
8 Professional Entity Act with any of the above cited sections, then  
9 cited sections shall take precedence over ~~this act~~ the Professional  
10 Entity Act and ~~this act~~ the Professional Entity Act shall be  
11 construed accordingly.

12 SECTION 3. This act shall become effective November 1, 2019.

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