

HOUSE BILL No. 5966

October 17, 2012, Introduced by Reps. McMillin, Poleski, Clemente and Howze and referred to the Committee on Regulatory Reform.

A bill to amend 1993 PA 23, entitled
"Michigan limited liability company act,"
by amending section 904 (MCL 450.4904), as amended by 2010 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 904. (1) Except as provided in this section or otherwise
2 prohibited, a professional limited liability company may render 1
3 or more professional services, and each member and manager must be
4 a licensed person in 1 or more of the professional services
5 rendered by the company.

6 (2) Except as provided in subsection (3) or (4), if a
7 professional limited liability company renders a professional
8 service that is included within the public health code, 1978 PA
9 368, MCL 333.1101 to 333.25211, then all members and managers of

1 the company must be licensed or legally authorized in this state to
2 render the same professional service.

3 (3) One or more individuals licensed to engage in the practice
4 of medicine under part 170, the practice of osteopathic medicine
5 and surgery under part 175, or the practice of podiatric medicine
6 and surgery under part 180 of article 15 of the public health code,
7 1978 PA 368, MCL 333.16101 to 333.18838, may organize a
8 professional liability company under this article with 1 or more
9 other individuals licensed to engage in the practice of medicine
10 under part 170, the practice of osteopathic medicine and surgery
11 under part 175, or the practice of podiatric medicine and surgery
12 under part 180 of article 15 of the public health code, 1978 PA
13 368, MCL 333.16101 to 333.18838.

14 (4) Subject to section 17048 of the public health code, 1978
15 PA 368, MCL 333.17048, 1 or more individuals licensed to engage in
16 the practice of medicine under part 170, the practice of
17 osteopathic medicine and surgery under part 175, or the practice of
18 podiatric medicine and surgery under part 180 of article 15 of the
19 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, may
20 organize a professional limited liability company under this
21 article with 1 or more physician's assistants licensed under
22 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
23 333.18838. Beginning on ~~the effective date of the amendatory act~~
24 ~~that added this subsection~~ **JULY 19, 2010**, 1 or more physician's
25 assistants may not organize a professional limited liability
26 company under this act that will have only physician's assistants
27 as members.

1 (5) A licensed person of another jurisdiction may become a
2 member, manager, employee, or agent of a professional limited
3 liability company, but shall not render any professional services
4 in this state until the person is licensed or otherwise legally
5 authorized to render the professional service in this state.

6 (6) A limited liability company may engage in the practice of
7 architecture, professional engineering, or professional surveying
8 in this state if not less than 2/3 of the members or managers of
9 the limited liability company are licensed in this state to render
10 1 or more of the professional services offered. A professional
11 limited liability company organized under this article may engage
12 in the practice of architecture, professional engineering, or
13 professional surveying in this state if all of the members and
14 managers of the professional limited liability company organized
15 under this article are licensed in this state to render 1 or more
16 of the professional services offered.

17 **(7) A PROFESSIONAL LIMITED LIABILITY COMPANY ORGANIZED UNDER**
18 **THIS ARTICLE MAY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTING, AS**
19 **DEFINED IN SECTION 720 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL**
20 **339.720, IN THIS STATE IF MORE THAN 50% OF THE EQUITY AND VOTING**
21 **RIGHTS OF THE PROFESSIONAL LIMITED LIABILITY COMPANY ARE HELD**
22 **DIRECTLY OR BENEFICIALLY BY INDIVIDUALS WHO ARE LICENSED OR**
23 **OTHERWISE AUTHORIZED TO ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTING**
24 **UNDER ARTICLE 7 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.720**
25 **TO 339.736.**