

1955

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

---

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the business corporation law, the education law and the limited liability company law, in relation to permitting certified interior designers to enter into joint enterprise or partnership of a design corporation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of section 1503 of the business corporation  
2     law, as amended by chapter 550 of the laws of 2011, is amended to read  
3     as follows:  
4     (a) Notwithstanding any other provision of law, one or more individ-  
5     uals duly authorized by law to render the same professional service  
6     within the state may organize, or cause to be organized, a professional  
7     service corporation for pecuniary profit under this article for the  
8     purpose of rendering the same professional service, except that one or  
9     more individuals duly authorized by law to practice professional engi-  
10    neering, architecture, landscape architecture, INTERIOR DESIGN or land  
11    surveying within the state may organize, or cause to be organized, a  
12    professional service corporation or a design professional service corpo-  
13    ration for pecuniary profit under this article for the purpose of  
14    rendering such professional services as such individuals are authorized  
15    to practice.  
16    S 2. Subdivision 4 of section 7209 of the education law, as amended by  
17    chapter 550 of the laws of 2011, is amended to read as follows:  
18    4. Engineers, land surveyors, architects, CERTIFIED INTERIOR DESIGN-  
19    ERS, and landscape architects may join in the formation of a joint  
20    enterprise, or a partnership or a professional service corporation or a  
21    design professional service corporation or may form any desired combina-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06542-01-3

tion of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his or her profession shall be indicated.

S 3. Subdivision 2 of section 7307 of the education law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

2. Engineers, land surveyors, architects, CERTIFIED INTERIOR DESIGNERS, and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or a design professional service corporation or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his or her profession shall be indicated.

S 4. Subdivision 2 of section 7327 of the education law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

2. Engineers, land surveyors, architects, CERTIFIED INTERIOR DESIGNERS, and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or a design professional service corporation or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his or her profession shall be indicated.

S 5. Section 8307 of the education law is renumbered section 8308 and a new section 8307 is added to read as follows:

S 8307. SPECIAL PROVISIONS. ENGINEERS, LAND SURVEYORS, ARCHITECTS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS MAY JOIN IN THE FORMATION OF A JOINT ENTERPRISE, OR A PARTNERSHIP, OR A PROFESSIONAL SERVICE CORPORATION, OR A LIMITED LIABILITY PARTNERSHIP OR MAY FORM ANY DESIRED COMBINATION OF SUCH PROFESSIONS AND MAY USE IN THE NAME OF SUCH CORPORATION OR PARTNERSHIP THE TITLE OF ANY OF THE PROFESSIONS WHICH WILL BE PRACTICED. AFTER THE NAME OF EACH MEMBER HIS OR HER PROFESSION SHALL BE INDICATED.

S 6. Subdivision (a) of section 1203 of the limited liability company law, as separately amended by chapters 420 and 676 of the laws of 2002, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company

1 formed to provide professional engineering, INTERIOR DESIGN, land  
2 surveying, architectural and/or landscape architectural services as such  
3 services are defined in article 145, article 147 [and], article 148 AND  
4 ARTICLE 161 of the education law, each member of such limited liability  
5 company must be licensed pursuant to article 145, article 147 [and/or],  
6 article 148 AND/OR ARTICLE 161 of the education law to practice one or  
7 more of such professions in this state. With respect to a professional  
8 service limited liability company formed to provide licensed clinical  
9 social work services as such services are defined in article 154 of the  
10 education law, each member of such limited liability company shall be  
11 licensed pursuant to article 154 of the education law to practice  
12 licensed clinical social work in this state. With respect to a profes-  
13 sional service limited liability company formed to provide creative arts  
14 therapy services as such services are defined in article 163 of the  
15 education law, each member of such limited liability company must be  
16 licensed pursuant to article 163 of the education law to practice crea-  
17 tive arts therapy in this state. With respect to a professional service  
18 limited liability company formed to provide marriage and family therapy  
19 services as such services are defined in article 163 of the education  
20 law, each member of such limited liability company must be licensed  
21 pursuant to article 163 of the education law to practice marriage and  
22 family therapy in this state. With respect to a professional service  
23 limited liability company formed to provide mental health counseling  
24 services as such services are defined in article 163 of the education  
25 law, each member of such limited liability company must be licensed  
26 pursuant to article 163 of the education law to practice mental health  
27 counseling in this state. With respect to a professional service limited  
28 liability company formed to provide psychoanalysis services as such  
29 services are defined in article 163 of the education law, each member of  
30 such limited liability company must be licensed pursuant to article 163  
31 of the education law to practice psychoanalysis in this state. In addi-  
32 tion to engaging in such profession or professions, a professional  
33 service limited liability company may engage in any other business or  
34 activities as to which a limited liability company may be formed under  
35 section two hundred one of this chapter. Notwithstanding any other  
36 provision of this section, a professional service limited liability  
37 company (i) authorized to practice law may only engage in another  
38 profession or business or activities or (ii) which is engaged in a  
39 profession or other business or activities other than law may only  
40 engage in the practice of law, to the extent not prohibited by any other  
41 law of this state or any rule adopted by the appropriate appellate divi-  
42 sion of the supreme court or the court of appeals.

43 S 7. This act shall take effect immediately.