WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED

SENATE BILL NO. 555

(By Senator Wooton, et al.)

PASSED APRIL 12, 1997
In Effect From Passage
AN ACT to amend and reenact sections one thousand three hundred one, one thousand three hundred two, one thousand three hundred three and one thousand three hundred four, article thirteen, chapter thirty-one-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to professional limited liability companies ("PLLC"); authorizing formation of PLLCs by psychologists licensed under article twenty-one, chapter thirty of said code; specifying that persons providing compatible professional services may form PLLCs; authorizing one or more persons who may legally and ethically practice together to form PLLCs; specifying who may be members of PLLCs; authorizing ownership of limited liability companies by PLLCs; requiring reporting
of names of members of PLLCs to secretary of state; and
requiring certain licensing boards to allow formation of
PLLCS by licensees.

Be it enacted by the Legislature of West Virginia:

That sections one thousand three hundred one, one thousand
three hundred two, one thousand three hundred three and one
thousand three hundred four, article thirteen, chapter thirty-one-b of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, be amended and reenacted, all to read
as follows:

ARTICLE 13. PROFESSIONAL LIMITED LIABILITY COMPANIES.


1 As used in this article:

2 (1) “Licensing board” means the governing body or
agency established under chapter thirty of this code which
is responsible for the licensing and regulation of the
practice of the profession which the professional limited
liability company is organized to provide;

3 (2) “Professional limited liability company” means a
limited liability company organized under this chapter for
the purpose of rendering a professional service; and

4 (3) “Professional service” means the services rendered
by the following professions: Attorneys-at-law under
article two, physicians and podiatrists under article three,
dentists under article four, optometrists under article
eight, accountants under article nine, veterinarians under
article ten, architects under article twelve, engineers
under article thirteen, osteopathic physicians and sur-
geons under article fourteen, chiropractors under article
sixteen and psychologists under article twenty-one, all of
chapter thirty of this code.

§31B-13-1302. Who may become a member; professional
limited liability companies authorized.

1 (a) One or more persons duly licensed or otherwise
legally authorized to render the same or compatible
professional services or to otherwise practice together
within this state may become members of a professional
limited liability company under the provisions of this
chapter for the purpose of rendering the same or compati-
able professional services. Notwithstanding any provision
of this code to the contrary, including any limitation or
restriction set forth in any licensing provision of chapter
thirty of this code, a professional limited liability com-
pany may be formed to provide any of the professional
services as defined in section one thousand three hundred
one of this article.

(b) Any one or more persons who, under applicable legal
or ethical rules or principles, can collectively practice the
same or compatible professions, whether as general
partners, joint venturers, fellow shareholders, fellow
members or common business owners, may form, own and
operate, as members, a professional limited liability
company under this article. For purposes of this section,
members of professional limited liability companies may
be natural persons, professional corporations, other
professional limited liability companies and professional
partnerships. Professional limited liability companies
may form, own and operate separate limited liability
companies.

(c) No professional limited liability company organized
under this article may have as a member anyone other
than a person who is duly licensed or otherwise legally
authorized to render the professional services for which
the professional limited liability company was organized.
The names of members of professional limited liability
companies who have signature authority shall be fur-
nished to the secretary of state. Any change in the persons
who have signature authority for a professional limited
liability company shall be promptly reported to the
secretary of state.

§31B-13-1303. Name.

The name of a professional limited liability company
shall contain the words “professional limited liability
compay” or the abbreviation “P.L.L.C.”, “PLLC”,
“Professional L.L.C.”, or “Professional LLC.”

§31B-13-1304. Duty of licensing board.
The licensing board for each of the professions authorized to form professional limited liability companies under this article shall propose legislative rules for promulgation, in accordance with the provisions of article three, chapter twenty-nine-a of this code, providing for the implementation of this article and the procedures for the formation and approval of professional limited liability companies for the particular profession under the jurisdiction of such licensing board. The rules of each licensing board shall permit the formation and approval of professional limited liability companies with members from different professions.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within .. approved .. this the ..

day of ..

1997.

Governor