

SENATE BILL 3331

By McNally

AN ACT to amend Tennessee Code Annotated, Title 48, Chapter 249; Title 61, Chapter 1 and Title 62, relative to formation of limited liability companies and limited liability partnerships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 48, Chapter 249, Part 2, is amended by adding the following as a new section:

§ 48-249-206. Upon receipt of an application for certificate of authority, articles of organization, or any other formational document filed by any limited liability company in which a member, manager, holder of financial rights, director, or officer is identified as rendering professional services regulated or licensed by a state board pursuant to title 62, the secretary of state shall send a copy of such document to the applicable state board. Within sixty (60) days of receipt of such application, the state board shall determine whether the person is properly licensed or registered to render such services, and shall take steps as otherwise provided by law with respect to persons rendering professional services without being duly licensed or registered. When such determination is made, the state board shall provide written notification of its determination to the secretary of state, and the secretary of state shall deny any application for certificate of authority or other application, if no action has been taken, or revoke the articles of organization or other formational document, as appropriate. The secretary of state shall notify the applicant in writing of the reasons for such denial or revocation.

SECTION 2. Tennessee Code Annotated, Title 61, Chapter 1, Part 1, is amended by adding the following as a new section:

§ 61-1-1006. Upon receipt of an application for registration, articles of organization, or any other formational document filed by any limited liability partnership in which a partner is identified as rendering professional services regulated or licensed by a state board pursuant to title 62, the secretary of state shall send a copy of such document to the applicable state board. Within sixty (60) days of receipt of such application, the state board shall determine whether the person is properly licensed or registered to render such services, and shall take steps as otherwise provided by law with respect to persons rendering professional services without being duly licensed or registered. When such determination is made, the state board shall provide written notification of its determination to the secretary of state, and the secretary of state shall deny any application for certificate of authority or other application, if no action has been taken, or revoke the articles of organization or other formational document, as appropriate. The secretary of state shall notify the applicant in writing of the reasons for such denial or revocation.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.