

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Senator Malone

# A Bill

ACT 306 OF 1997  
SENATE BILL 80

## For An Act To Be Entitled

"AN ACT TO AMEND THE ARKANSAS CODE TO ALLOW A LIVING  
REVOCABLE TRUST TO HOLD SHARES IN PROFESSIONAL  
CORPORATIONS; AND FOR OTHER PURPOSES."

## Subtitle

"TO AMEND THE ARKANSAS CODE TO ALLOW A  
LIVING REVOCABLE TRUST TO HOLD SHARES IN  
PROFESSIONAL CORPORATIONS."

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

SECTION 1. Arkansas Code § 4-29-202 is amended to read as follows:

§ 4-29-202. Definition.

As used in this subchapter, unless the context otherwise requires,

A. beneficial owner means an individual who is the grantor and sole trustee of a revocable living trust wherein the individual reserves the unrestricted right to revoke the trust;

(b) professional service means any type of professional service which may be legally performed only pursuant to a license or other legal personal authorization, for example: the personal service rendered by certified public accountants, architects, engineers, dentists, doctors, and attorneys at law;

(c) shareholder means either (1) the person in whose name shares are registered in the records of a corporation or (2) the beneficial owner of shares of a revocable living trust where the shares are registered in the records of the corporation in the name of the revocable living trust."

1 SECTION 2. Arkansas Code § 4-29-301 is amended to read as follows:

2 § 4-29-301. Title and Definitions.

3 (a) This subchapter may be cited as the Medical Corporation Act .

4 (b) As used in this subchapter, unless the context otherwise  
5 requires,

6 (1) beneficial owner means an individual who is the grantor  
7 and sole trustee of a revocable living trust wherein the individual  
8 reserves the unrestricted right to revoke the trust;

9 (2) professional service means any type of professional  
10 service which may be legally performed only pursuant to a license or  
11 other legal personal authorization, for example: the personal service  
12 rendered by certified public accountants, architects, engineers,  
13 dentists, doctors, and attorneys at law; and

14 (3) shareholder means either (1) the person in whose name  
15 shares are registered in the records of a corporation or (2) the  
16 beneficial owner of shares of a revocable living trust where the shares  
17 are registered in the records of the corporation in the names of the  
18 revocable living trust.

19  
20 SECTION 3. Arkansas Code § 4-29-401 is amended to read as  
21 follows:

22 § 4-29-401. Title and Definitions.

23 (a) This subchapter may be cited as the Dental Corporation Act.

24 (b) As used in this subchapter, unless the context otherwise  
25 requires,

26 (1) beneficial owner means an individual who is the grantor  
27 and sole trustee of a revocable living trust wherein the individual  
28 reserves the unrestricted right to revoke the trust;

29 (2) professional service means any type of professional  
30 service which may be legally performed only pursuant to license or other  
31 legal personal authorization, for example: the personal service rendered  
32 by certified public accountants, architects, engineers, dentists,  
33 doctors, and attorneys at law; and

34 (3) shareholder means either (1) the person in whose name  
35 shares are registered in the records of a corporation or (2) the  
36 beneficial owner of shares of a revocable living trust where the shares

1 are registered in the records of the corporation in the name of the  
2 revocable living trust."

3

4 SECTION 4. Arkansas Code § 17-12-103 is amended to read as  
5 follows:

6 § 17-12-103. Definitions.

7 As used in this chapter, unless the context otherwise requires:

8 (1) Beneficial owner means an individual who is the grantor and  
9 sole trustee of a revocable living trust wherein the individual reserves  
10 the unrestricted right to revoke the trust;

11 (2) Board means the "Board of Public Accountancy" created by §  
12 17-12-201; and

13 (3) Professional service means any type of professional service  
14 which may be legally performed only pursuant to license or other legal  
15 authorization, for example: the personal service rendered by certified  
16 public accountants, architects, engineers, dentists, doctors, and  
17 attorneys at law;

18 (4) Shareholder means either (1) the person in whose name shares  
19 are registered in the records of a corporation or (2) the beneficial  
20 owner of shares of a revocable living trust where the shares are  
21 registered in the records of the corporation in the name of the  
22 revocable living trust; and

23 ~~——(2)(5)~~ State means any state, territory, or insular possession  
24 of the United States or the District of Columbia.✕

25

26 SECTION 5. All provisions of this act of a general and permanent  
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the  
28 Arkansas Code Revision Commission shall incorporate the same in the  
29 Code.

30

31 SECTION 6. If any provision of this act or the application  
32 thereof to any person or circumstance is held invalid, such invalidity  
33 shall not affect other provisions or applications of the act which can  
34 be given effect without the invalid provision or application, and to  
35 this end the provisions of this act are declared to be severable.

36

1 SECTION 7. All laws and parts of laws in conflict with this act  
2 are hereby repealed.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

APPROVED: 2-28-97