

HCS SB 244 -- SENIOR SAVINGS PROTECTION ACT

SPONSOR: Schmitt (Barnes)

COMMITTEE ACTIONS: Voted "Do Pass" by the Standing Committee on Banking by a vote of 9 to 0. Voted "Do Pass with HCS" by the Select Committee on Financial Institutions and Taxation by a vote of 9 to 0.

This bill establishes the Senior Savings Protection Act that allows specified individuals associated with a broker-dealer to report the occurrence or suspected occurrence of financial exploitation of qualified adults. The bill defines "qualified adult" as a person who is 60 years of age or older or a person who has a disability as defined in the bill and is between the ages of 18 and 59.

The specified individuals associated with a broker-dealer may notify the Department of Health and Senior Services and the Commissioner of Securities as well as an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under power of attorney of the qualified adult if he or she believes that financial exploitation of a qualified adult has occurred, has been attempted, or is being attempted.

The specified individuals associated with a broker-dealer may refuse a request for disbursement from the account of a qualified adult or an account on which a qualified adult is a beneficiary or beneficial owner if the individual reasonably believes the request will result in financial exploitation. If the individual refuses disbursement, he or she must make a reasonable effort to notify all parties authorized to transact business on the account of the refusal within two business days. The individual must notify the department and the commissioner within three business days.

A broker-dealer, agent, or qualified individual who, in good faith and exercising reasonable care complies with these provisions, must be immune from any civil liability for actions taken in accordance with these provisions.

By September 1, 2016, the commissioner must develop and make available a website that includes training resources to assist broker-dealers and agents in the prevention and detection of financial exploitation of qualified adults.

PROPOSERS: Supporters say that financial exploitation of the elderly is a huge problem. The senior population is extremely vulnerable and one out of five seniors are victimized by fraud. The bill just slows things down by putting a 10-day hold on certain financial transactions and allows for the notification of family

members, trustees, and financial institutions and advisors regarding these financial activities.

Testifying for the bill were Senator Schmitt and Securities Industry Financial Markets Association.

OPPONENTS: There was no opposition voiced to the committee.