

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 636 & 645

98TH GENERAL ASSEMBLY

1304H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 409, RSMo, by adding thereto seven new sections relating to the financial exploitation of certain elderly and disabled individuals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 409, RSMo, is amended by adding thereto seven new sections, to be known as sections 409.600, 409.605, 409.610, 409.615, 409.620, 409.625, and 409.630, to read as follows:

409.600. Sections 409.600 to 409.630 may be cited as the "Senior Savings Protection Act".

409.605. As used in sections 409.600 to 409.630, the following terms shall mean:

(1) "Agencies", the department of health and senior services and the commissioner of securities;

(2) "Agent", shall have the same meaning as in section 409.1-102;

(3) "Broker-dealer", shall have the same meaning as in section 409.1-102;

(4) "Financial exploitation", the wrongful or unauthorized taking, withholding, appropriation, or use of money, real property, or personal property of a qualified adult;

(5) "Immediate family member", a spouse, child, parent, or sibling of a qualified adult;

(6) "Qualified adult":

(a) A person sixty years of age or older; or

(b) A person who:

a. Has a disability as defined in section 192.2005; and

b. Is between the ages of eighteen and fifty-nine;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (7) "Qualified individual", a person associated with a broker-dealer who serves in
16 a supervisory, compliance, or legal capacity as part of his or her job.

2 409.610. If a qualified individual reasonably believes that financial exploitation of
3 a qualified adult has occurred, has been attempted, or is being attempted, the qualified
4 individual may notify the agencies. Subsequent to notifying the agencies, an agent or
5 qualified individual may notify an immediate family member, legal guardian, conservator,
6 co-trustee, successor trustee, or agent under a power of attorney of the qualified adult of
such belief.

2 409.615. 1. A qualified individual may refuse a request for disbursement from the
3 account of a qualified adult, or an account on which a qualified adult is a beneficiary or
4 beneficial owner, if:

4 (1) The qualified individual reasonably believes that the requested disbursement
5 will result in financial exploitation of the qualified adult; and

6 (2) The broker-dealer or qualified individual:

7 (a) Within two business days makes a reasonable effort to notify all parties
8 authorized to transact business on the account orally or in writing, unless such parties are
9 reasonably believed to have engaged in suspected or attempted financial exploitation of the
10 qualified adult; and

11 (b) Within three business days notifies the agencies.

12 2. Any refusal of a disbursement as authorized by this section shall expire upon the
13 sooner of:

14 (1) The time when the broker-dealer or qualified individual reasonably believes
15 that the disbursement will not result in financial exploitation of the qualified adult; or

16 (2) Ten business days after the initial refusal of disbursement by the qualified
17 individual.

18 3. A court of competent jurisdiction may enter an order extending the refusal of a
19 disbursement or any other protective relief.

2 409.620. Notwithstanding any other provision of law to the contrary, a broker-
3 dealer, agent, or qualified individual who, in good faith and exercising reasonable care,
4 complies with sections 409.610 and 409.615 shall be immune from any civil liability for
actions taken in accordance with those sections.

2 409.625. A broker-dealer may provide access to or copies of records that are
3 relevant to the suspected financial exploitation of a qualified adult to the agencies or law
4 enforcement. The records may include historical records or records relating to the most
5 recent disbursement as well as disbursements that comprise the suspected financial
exploitation of a qualified adult. All records made available to the agencies or law

6 enforcement under this section shall not be considered a public record as defined under
7 chapter 610.

2 **409.630. No later than September 1, 2016, the commissioner of securities shall**
3 **develop and make available a website that includes training resources to assist broker-**
4 **dealers and agents in the prevention and detection of financial exploitation of qualified**
5 **adults. Such resources shall include, at a minimum, indicators of financial exploitation of**
6 **qualified adults and potential steps broker-dealers and agents may take to prevent**
suspected financial exploitation of qualified adults as authorized by law.

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