

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2164

By: Echols

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5
6 AS INTRODUCED

7 An Act relating to trust accounts; amending 6 O.S.
8 2011, Section 1706, which relates to the Multistate
9 Trust Institutions Act; providing exception for trust
10 account used to facilitate aircraft registration; and
11 providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 6 O.S. 2011, Section 1706, is
14 amended to read as follows:

15 Section 1706. Notwithstanding any other provision of the
16 Multistate Trust Institutions Act, a company does not engage in the
17 trust business or in any other business in a manner requiring a
18 charter, license or registration under this act or in an
19 unauthorized trust activity by:

20 1. Acting in a manner authorized by law and in the scope of
21 authority as an agent of a trust institution with respect to an
22 activity which is not an unauthorized trust activity;

- 1 2. Rendering a service customarily performed as an attorney or
2 law firm in a manner approved and authorized by the Supreme Court of
3 this state;
- 4 3. Acting as trustee under a deed of trust delivered only as
5 security for the payment of money or for the performance of another
6 act;
- 7 4. Engaging in the sale of title insurance regulated by the
8 State Insurance Commission;
- 9 5. Receiving and distributing rents and proceeds of a sale as a
10 licensed real estate broker on behalf of a principal in a manner
11 authorized by state law;
- 12 6. Engaging in a securities transaction or providing an
13 investment advisory service as a licensed and registered broker-
14 dealer, investment advisor or registered representative thereof,
15 provided the activity is regulated by the State Securities
16 Commission or the Securities and Exchange Commission;
- 17 7. Engaging in the sale and administration of an insurance
18 product by an insurance company or agent licensed by the Insurance
19 Department to the extent that the activity is regulated by the
20 Insurance Department;
- 21 8. Engaging in the lawful sale of prepaid funeral benefits
22 under a permit issued by the Oklahoma ~~State Board of Embalmers and~~
23 ~~Funeral Directors Board~~ Board under state law, or engaging in the lawful
24 business of a perpetual care cemetery corporation under state law;

1 9. Acting as trustee under a voting trust as provided by law;

2 10. Acting as trustee by a public, private, or independent
3 institution of higher education or a university system, as those
4 terms are defined by law, including its affiliated foundations or
5 corporations, with respect to endowment funds or other funds owned,
6 controlled, provided to or otherwise made available to such
7 institution with respect to its educational or research purposes;

8 11. Engaging in other activities expressly excluded from the
9 application of this act by rule of the Department;

10 12. Rendering services customarily performed by a certified
11 public accountant in a manner authorized by the Oklahoma Accountancy
12 Board;

13 13. Exercising powers pursuant to the Oklahoma Charitable
14 Fiduciary Act, and the company is a corporation which is recognized
15 pursuant to Section 501(c)(3) of the Internal Revenue Code as being
16 organized and operated exclusively for educational, religious,
17 charitable, or other eleemosynary purposes; ~~and~~

18 14. Provided the company is a trust institution and is not
19 barred by order of the Commissioner from engaging in a trust
20 business in this state pursuant to paragraph 2 of Section 1724 of
21 this title:

22 a. marketing or soliciting in this state through the
23 mails, telephone, any electronic means or in person
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1 with respect to acting or proposing to act as a
2 fiduciary outside of this state,

3 b. delivering money or other intangible assets and
4 receiving the same from a client or other person in
5 this state, or

6 c. accepting or executing outside of this state a trust
7 of any client or otherwise acting as a fiduciary
8 outside of this state for any client; and

9 15. Acting as trustee of a trust company formed pursuant to the
10 laws of the state, and the sole purpose of which is to hold and
11 transfer title of aircraft registration or to be registered with the
12 Federal Aviation Administration.

13 SECTION 2. This act shall become effective November 1, 2013.

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15 54-1-5441 EK 12/28/12
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