

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 1361
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Bill Analysis

SB 1361 clarifies that an industrial loan company that is not an insured depository institution shall not qualify as depository institution. The measure also provides that any person excluded by the Investment Advisers Act of 1940 shall not qualify as an investment adviser. The measure provides that persons granting an exemption to securities issued for nonprofit purposes shall file a request for exemption authorization specifying the scope of the exemption, the requirement of an offering statement, the filing of sales and advertising literature, the filing of consent to service of process, and grounds for denial or suspension of the exemption. Additionally, the measure strikes the statutory unclassified personnel designation for the Department of Securities' attorney, paralegal, legal secretary, accountant, investigator, examiner, chief financial officer, network administrator, business manager, and investor education coordinator positions and requires requests for hearings with the Administrator of the Department to be made in writing as well as to specifically deny or admit the allegations made. The measure strikes reference to the Uniform Franchise Offering Circular adopted by the North American Securities Administrators Association as well as the disclosure document prepared pursuant to the Federal Trade Commission rule entitled Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures. The measure also authorizes the Administrator to seek a court injunction for violations of the Oklahoma Business Opportunity Sales Act as well as seek appropriate ancillary relief. Courts may impose a civil penalty of up to \$5,000.00 for each violation, but no more than \$250,000.00 for multiple violations. The courts may also order the payment of prejudgment and post judgment interest. The measure also updates multiple statutory references.

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