

**SB 96 A STAFF MEASURE SUMMARY**  
**House Committee On Business and Labor**

**Carrier:** Rep. Evans

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**Action Date:** 05/08/17  
**Action:** Do Pass the A-Eng bill.  
**Vote:** 5-4-0-0  
**Yeas:** 5 - Bynum, Doherty, Evans, Fahey, Holvey  
**Nays:** 4 - Barreto, Hack, Heard, Kennemer  
**Fiscal:** No fiscal impact  
**Revenue:** No revenue impact  
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**WHAT THE MEASURE DOES:**

Requires proof of errors and omissions insurance policy with application for license or renewal of license as broker-dealer or state investment advisor. Requires insurance in amount of at least \$1 million. Provides exemptions. Specifies operative date of July 31, 2018.

**ISSUES DISCUSSED:**

- Problems aggrieved consumers face when seeking remedy
- Attorneys' reluctance to take case when investment advisor has no liability insurance
- Average size of accounts and whether \$1 million policy is sufficient
- Reason for not increasing size of bond
- Expected premium for \$1 million policy
- Whether other states require errors and omissions insurance
- \$1 million policy typically has aggregate limit of \$5 million

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The Department of Consumer and Business Services (DCBS) is the state's licensing and regulatory agency for finance and insurance businesses and professionals. As part of this mission, all persons who advise clients on securities and securities trading must be licensed by DCBS as investment advisors. Broker-dealers and investment advisors are required by rule to carry a \$10,000 surety bond to protect clients against loss as a result of regulatory violations. The Department has authority to raise the level of the bond to as high as \$100,000 but has determined that sureties are unlikely to offer bonds of that amount.

"Errors and Omissions" insurance is professional liability insurance, intended to provide coverage for negligent acts of the insured. Currently, no states, including Oregon, require investment advisors or broker-dealers to carry errors and omissions insurance. Senate Bill 96-A requires broker-dealers and state investment advisors to carry an errors and omissions insurance policy in an amount of at least \$1 million. The measure exempts licensed broker-dealers already registered with the Securities and Exchange Commission and licensed state investors who have a principal place of business outside of Oregon.