

2498

2013-2014 Regular Sessions

I N A S S E M B L Y

January 15, 2013

Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Banks

AN ACT to amend the elder law and the banking law, in relation to requiring financial planners working with the elderly to be certified financial planners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The elder law is amended by adding a new section 219-a to
2 read as follows:
3 S 219-A. FINANCIAL PLANNING SALES, PRODUCTS AND SERVICES SOLD OR
4 MARKETING TO THE ELDERLY. 1. FOR THE PURPOSES OF THIS SECTION, THE
5 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:
6 (A) THE TERM "ELDERLY PERSON" SHALL HAVE THE SAME MEANING ASCRIBED IN
7 SECTION TWO HUNDRED FOURTEEN OF THIS TITLE.
8 (B) THE TERM "FINANCIAL PLANNER" SHALL MEAN ANY INDIVIDUAL, BUSINESS
9 OR ENTITY THAT SELLS, PROMOTES OR HOLDS THEMSELVES OUT TO SELL OR
10 PROMOTE OR PROVIDE INVESTMENT PLANNING, INCOME TAX PLANNING, EDUCATION
11 PLANNING, RETIREMENT PLANNING, ESTATE PLANNING, RISK MANAGEMENT, AND ANY
12 OTHER AREA WITH RESPECT TO THE MANAGEMENT OF FINANCIAL RESOURCES;
13 INCLUDING BUT NOT LIMITED TO 401(K)S, INDIVIDUAL RETIREMENT ACCOUNTS
14 (IRAS), ROTH IRAS, SEP-IRAS, AND IRA ROLLOVERS.
15 2. FINANCIAL PLANNERS WHO DERIVE ANY INCOME OR BUSINESS FROM ELDERLY
16 PERSONS WHO ARE RESIDENTS OF NEW YORK STATE SHALL BE REQUIRED TO BECOME
17 CERTIFIED. CERTIFICATION SHALL MEAN HAVING FULFILLED ALL EDUCATIONAL,
18 ETHICAL AND CERTIFICATION EXAM REQUIREMENTS SET FORTH BY THE CERTIFIED
19 FINANCIAL PLANNER BOARD OF STANDARDS, INCORPORATED OR A NATIONALLY
20 RECOGNIZED ACCREDITATION AGENCY ACCEPTABLE TO THE SUPERINTENDENT OF
21 FINANCIAL SERVICES.
22 S 2. The banking law is amended by adding a new article 12-F to read
23 as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00222-01-3

ARTICLE 12-F

FINANCIAL PLANNERS SELLING RETIREMENT PRODUCTS OR SERVICES TO THE
ELDERLY

SECTION 599-AA. FINANCIAL PLANNING SALES, PRODUCTS AND SERVICES SOLD OR
MARKETED TO THE ELDERLY.

S 599-AA. FINANCIAL PLANNING SALES, PRODUCTS AND SERVICES SOLD OR
MARKETED TO THE ELDERLY. 1. FOR THE PURPOSES OF THIS SECTION, THE
FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) THE TERM "ELDERLY PERSON" SHALL HAVE THE SAME MEANING ASCRIBED IN
SECTION TWO HUNDRED FOURTEEN OF THE ELDER LAW.

(B) THE TERM "FINANCIAL PLANNER" SHALL MEAN ANY INDIVIDUAL, BUSINESS
OR ENTITY THAT SELLS, PROMOTES OR HOLDS THEMSELVES OUT TO SELL OR
PROMOTE OR PROVIDE INVESTMENT PLANNING, INCOME TAX PLANNING, EDUCATION
PLANNING, RETIREMENT PLANNING, ESTATE PLANNING, RISK MANAGEMENT, AND ANY
OTHER AREA WITH RESPECT TO THE MANAGEMENT OF FINANCIAL RESOURCES;
INCLUDING BUT NOT LIMITED TO 401(K)S, INDIVIDUAL RETIREMENT ACCOUNTS
(IRAS), ROTH IRAS, SEP-IRAS, AND IRA ROLLOVERS.

2. FINANCIAL PLANNERS WHO DERIVE ANY INCOME OR BUSINESS FROM ELDERLY
PERSONS WHO ARE RESIDENTS OF NEW YORK STATE SHALL BE REQUIRED TO BECOME
CERTIFIED. CERTIFICATION SHALL MEAN HAVING FULFILLED ALL EDUCATIONAL,
ETHICAL, AND CERTIFICATION EXAM REQUIREMENTS SET FORTH BY THE CERTIFIED
FINANCIAL PLANNER BOARD OF STANDARDS, INCORPORATED OR A NATIONALLY
RECOGNIZED ACCREDITATION AGENCY ACCEPTABLE TO THE SUPERINTENDENT.

S 3. This act shall take effect on the three hundred sixty-fifth day
after it shall have become a law; provided, however, that, effective
immediately, the superintendent of financial services shall promulgate
any rules and regulations necessary for the implementation of this act
on or before its effective date.