



Investor Adviser Information Alert

To: All Oklahoma Registered Investment Advisers

The Administrator of the Oklahoma Department of Securities has adopted new and amended rules ("Rules") under the Oklahoma Uniform Securities Act of 2004 ("Act") that will become effective **September 15, 2022**. The new and amended Rules are available on the Department's website under "Orders of Adoption": <https://www.securities.ok.gov/Act-Rules/Rulemaking/2022/Adopted/>.

Please note the following changes in particular:

- **Form BR** - Under the amended Rule 660:11-7-11, all investment advisers registered under the Act are required to file, in IARD, a Form BR identifying each office located in Oklahoma, and if the firm's principal office is located in Oklahoma, all offices located anywhere.
- **Errors and Omissions Coverage** - Under the amended Rule 660:11-7-21, an investment adviser's errors and omission policy may not contain exclusions for investment management and advisory services performed in Oklahoma unless the investment adviser and its representatives refrain from performing the excluded investment management and advisory services and disclose the limitations in the investment adviser's Form ADV Part 2A.
- **Written Policies and Procedures** - The amended Rule 660:11-7-46 aligns with the NASAA Model Rule on written policies and procedures. Some of the requirements in the amended Rule 660:11-7-46 were previously adopted in Oklahoma but have now been restructured into one Rule. Additions include the requirement for investment advisers to have a written code of ethics that explains the investment adviser's and investment adviser representative's fiduciary obligations and requires investment adviser representatives to report their securities holdings and transactions to their firms, and the requirement for investment advisers to designate a Chief Compliance Officer to administer the policies and procedures.
- **Continuing Education** - New Rule 660:11-7-49 aligns with the NASAA Model Rule on Investment Adviser Representative Continuing Education and requires every investment adviser representative registered under the Act to complete twelve (12) credits of continuing education requirements each calendar year, beginning **January 1, 2023**. For more details on the requirements, see Rule 660:11-7-49 via the link provided above. NASAA provides an additional

resource at <https://www.nasaa.org/industry-resources/investment-advisers/investment-adviser-representative-continuing-education/>.

- **Advertising** - The SEC's new marketing rule for investment advisers, effective May 4, 2021, has not been adopted by the Administrator of the Oklahoma Department of Securities. Amended Rule 660:11-7-42 clarifies that the reference to Reg. A § 275.206(4)-1 under the Investment Advisers Act of 1940 is to the version in effect on May 3, 2021 (prior to the effective date of the SEC's new marketing rule).

Should you have any questions regarding the new and amended Rules, you may contact:

Carol Gruis
Director of Examinations & Licensing
405.280.7730
cgruis@securities.ok.gov