

1 REQUIRED TO ACT IN YOUR BEST INTERESTS, AND AM ALLOWED TO RECOMMEND
2 INVESTMENTS THAT MAY EARN HIGHER FEES FOR ME OR MY FIRM, EVEN IF THOSE
3 INVESTMENTS MAY NOT HAVE THE BEST COMBINATION OF FEES, RISKS, AND
4 EXPECTED RETURNS FOR YOU." THE NON-FIDUCIARY INVESTMENT ADVISOR SHALL
5 PROVIDE A COPY OF THE DISCLOSURE FORM TO THEIR CLIENT.

6 2. A SIGNED ACKNOWLEDGEMENT BY THE CLIENT THAT THIS PLAIN LANGUAGE
7 DISCLOSURE WAS PROVIDED MUST BE MAINTAINED BY THE NON-FIDUCIARY INVEST-
8 MENT ADVISOR ALONGSIDE ANY WRITTEN CLIENT AGREEMENT.

9 3. ANY INVESTMENT BROCHURES, ADVERTISING MATERIALS, OR OTHER RELATED
10 PRINTED INFORMATION PROVIDED TO CLIENTS, OR ANY SUBSEQUENT ORAL INVEST-
11 MENT ADVICE TO THEM, MUST ALSO INCLUDE SUCH DISCLOSURE SET FORTH IN A
12 CLEAR AND CONSPICUOUS MANNER. THE NON-FIDUCIARY INVESTMENT ADVISOR SHALL
13 PROVIDE A COPY OF THE DISCLOSURE FORM TO THEIR CLIENT.

14 4. INVESTMENT ADVISORS THAT ARE SUBJECT TO THE FIDUCIARY DUTY UNDER
15 LAW OR APPLICABLE STANDARDS OF PROFESSIONAL CONDUCT WITH RESPECT TO
16 CERTAIN TYPES OF INVESTMENT ADVICE BUT NOT OTHERS, MUST DISCLOSE IN
17 PLAIN LANGUAGE THE EXTENT TO WHICH THE FIDUCIARY DUTY DOES AND DOES NOT
18 APPLY.

19 S 6-103. ENFORCEMENT. WHENEVER THE ATTORNEY GENERAL FINDS THAT THERE
20 HAS BEEN A VIOLATION OF THIS ARTICLE, HE OR SHE MAY PROCEED AS PROVIDED
21 IN SUBDIVISION TWELVE OF SECTION SIXTY-THREE OF THE EXECUTIVE LAW. CIVIL
22 PENALTIES UP TO FIVE THOUSAND DOLLARS MAY BE IMPOSED FOR EACH VIOLATION
23 OF THIS ARTICLE.

24 S 2. This act shall take effect January 1, 2018.