



National Association of Insurance and Financial Advisors - Oregon



Senator Floyd Prozanski, Chair  
Senate Committee on Judiciary and Ballot Measure 110 Implementation

Mr. Chair and Members of the Committee,

SB 1512 Section (1)(2) would change ORS 670.280 to read, in part:

**(2) Except as provided in ORS 342.143 (3) or 342.175 (3) and notwithstanding any other provision of law to the contrary, a licensing board, commission or agency that is authorized or required to consider the criminal history, moral character, fitness or similar qualifications of an applicant for a license or a licensee may not deny, suspend or revoke an occupational or professional license because the applicant or licensee has been convicted of a crime that does not substantially relate to the specific duties and responsibilities for which the license is required...**

Under current law, the Oregon Division of Finance and Corporate Securities of DCBS has this authority over insurance producers under ORS 744.074.

**(1) The Director of the Department of Consumer and Business Services may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for any one or more of the following causes: ...**

**(f) Having been convicted of a felony, of a misdemeanor involving dishonesty or breach of trust, or of an offense punishable by death or imprisonment under the laws of the United States. The record of the conviction shall be conclusive evidence of the conviction.**

Additionally, ORS 725.145 states:

**The Director of the Department of Consumer and Business Services may disapprove an application for a license if a person named in the application submitted pursuant to ORS 725.120:**

...

**(4) Has been convicted of a crime, an essential element of which is fraud;**

Both laws allow for the department to evaluate a person past criminal history and deny a license if the crime committed has a connection to the type of license being requested. It would appear the new language in SB 1512 would allow DCBS to continue under current practice, and if that is the case, we have no objection to the bill.

If the new law would not allow the agency to consider convictions currently used under these two chapters, then my clients are opposed to the legislation and would urge you to modify it and make it clear that this bill will not prohibit DCBS from using current, narrow authority they have when evaluating criminal convictions of license applications.

Thank you for considering my testimony.

Roger Beyer, Lobbyist  
Independent Insurance Agents of Oregon  
National Association of Insurance and Financial Advisors-Oregon