

(3)  Prototype SIMPLE IRA under section 408(p)

Prototype Roth IRA under section 408A  
(4)

8 (continued from page 1)	Article or Section Reference	Page Number	For IRS Use Only
g Does the IRA provide that the account is nonforfeitable? . . . . .			7/17
h Does the IRA provide that the contract is nontransferable? . . . . .			18
i Does the IRA provide for application of premium refund (other than refunds attributable to excess contributions) before the end of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits?			19
j Does the IRA prohibit commingling assets of trusts? . . . . .			8
k Does the IRA provide that annuity contracts must have flexible premiums? . . . . .			20
l Does the IRA provide for a separate accounting for the interest of each employee or member of the association? . . . . .			9
m Does the IRA provide for annual calendar-year reports by trustees or issuers? . . . . .			10/21
n Does the IRA require substitution of non-bank trustee or custodian when notified by the Commissioner of the Internal Revenue Service? . . . . .			11
o Does the IRA define compensation? . . . . .			12/22
9 Disclosure statement (check either a or b):			
a <input type="checkbox"/> Attached is a copy of the disclosure statement that will be used to inform participants of the restrictions and limitations imposed by law on individual retirement programs such as: eligibility for deductions, excise tax on excess contributions, penalty taxes on premature distributions, the consequences of prohibited transactions, and other required topics; or			
b <input type="checkbox"/> Each participant will be furnished a copy of Pub. 590, Individual Retirement Arrangements (IRAs). (Do not submit a copy of Pub. 590 with this application.)			

**General Information**

Section references are to the Internal Revenue Code.

**Purpose of form.** Sponsoring organizations, employers, or employee associations, use Form 5306 to request an opinion letter as to:

- c Whether a prototype trust or custodial account agreement meets the requirements of section 408(a), 408(c), 408(p), or 408A, or
- c Whether a specific prototype individual annuity meets the requirements of section 408(b), 408(p), or 408A.

**General Instructions**

**Who may file.** Form 5306 may be filed by a sponsoring organization that is:

- c A bank (including savings and loan associations that qualify as banks and federally insured credit unions),
- c Any person who has IRS approval to act as a trustee or custodian,
- c An insurance company,
- c A regulated investment company, or
- c A trade or professional society or association (other than employee associations).

**Who may file for employer or employee association.** Employers or employee associations who want a ruling under section 408(c) for a trust which will be used for individual retirement accounts may file this form. The term "employee association" means any organization composed of two or more employees, including, but not limited to, an employee association described in section 501(c)(4).

**Who does not need to file.** Sponsors of programs, employers, or associations of employees that use any of the Form 5305 series of model forms should not submit their programs to the Internal Revenue

Service. These model forms, issued by the Service, contain language that, if followed, will satisfy the applicable statutory requirements.

**What to file.** File Form 5306 and a copy of the trust, custodial account, or annuity contract and all other applicable documents. If you are requesting an opinion letter for an amendment, attach a copy of the amendment and an explanation of its effect on the trust, custodial account, or annuity contract.

**Where to file.** File Form 5306 with the Internal Revenue Service, Attention: EP Opinion Letter, P.O. Box 27063, McPherson Station, Washington, DC 20038.

**Address.** Include the suite, room, or other unit number after the street number. If the Post Office does not deliver mail to the street address and you have a P.O. box, show the box number instead of the street address.

**Signature.** An officer who is authorized to sign or another person authorized under a power of attorney must sign this application. Send the power of attorney with this application when you file it.

**Specific Instructions**

**User fee.** All applications must be accompanied by the appropriate user fee. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

To find the proper user fee, see Rev. Proc. 2006-8, 2006-1 I.R.B. 245, or the current superseding revenue procedure.

**Line 2a.** Indicate whether this application is for (1) a prototype traditional individual retirement account or annuity under section 408(a) or 408(b); (2) a prototype Roth individual retirement account or annuity under section 408A; (3) a prototype SIMPLE individual retirement account or annuity under section 408(p); or (4) an employer or employee association established individual retirement account under section 408(c).

**Line 2c.** If you are amending your plan, enter the file folder number, letter serial number, and date from the latest opinion letter you received for your plan.

**Paperwork Reduction Act Notice**

We ask for the information on this form to carry out the Internal Revenue laws of the United States. We need it to determine if your prototype individual retirement account or individual retirement annuity meets the requirements of section 408(a), 408(b), 408(c), 408(p), or 408A. If you want the IRS to issue an opinion letter, you are required to give us the information.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

- Recordkeeping** . . . . 11 hr., 43 min.
- Learning about the law or the form** . . . . 35 min.
- Preparing and sending the form to the IRS** . . . . 49 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6406, Washington, DC 20224. Do not send the form to this address. Instead, see **Where to file** on this page.