

## INSTRUCTIONS FOR COMPLETION OF THE FORM, TRS 615

These instructions accompany the form (TRS615) for certification by companies that intend to offer a qualified investment product to employees of a public school district or an open-enrollment charter school in the State of Texas if such product is, or is likely to be, the subject of a salary reduction agreement to reduce an employee's salary for the purpose of making direct contributions to or purchasing the investment product under §4(7) and §5(a), Article 6228a-5, Vernon's Texas Civil Statutes.

**TRS615 is to be completed, as applicable, and returned with the certification fee of \$3,000 made payable to:**

**Teacher Retirement System of Texas  
Attention: 403(b) Certification  
1000 Red River Street  
Austin, Texas 78701-2698**

- All companies are to complete Sections I and V of the certification form, TRS 615.
- Companies offering their own proprietary qualified annuity products must also complete Section II.
- Companies offering their own proprietary qualified non-annuity products must also complete Section III and enclose a copy of a current Authorized Security Issue Record for one of the products to be offered. Authorized Security Issue Records are promulgated by the Texas State Securities Board and may be found on its website: <http://www.ssb.state.tx.us/public/SecuritiesSearch.php>.
- Companies offering qualified non-annuity products which are registered by other certified companies must also complete Section IV and enclose a copy of a current Certificate of Registration. Certificates of Registration are promulgated by the Texas State Securities Board.
- If "Name of Company" and "Name of Legal Entity Certifying" in Section I are different, a prospectus, annual report, or statement of additional information must be provided to explain the relationship between the two company names.
- The legal entity certifying to TRS must meet the definition of "company" or "platform company" (see below) or must provide additional information to demonstrate an affiliate or subsidiary relationship with a legal entity that meets the definition of "company" or "platform company."

### Throughout the form:

"Qualified investment product" means an annuity or investment that:

- (a) Meets the requirements of Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments;
- (b) Complies with applicable federal and state insurance and securities laws, regulations and rules.

"Company" means an entity that offers a qualified investment product, including a platform company. Except for a platform company, a company is the issuer of the qualified investment product and has primary liability to the purchaser for performance of the obligations described in the product, contract, annuity contract, annuity certificate, or policy. A company offering qualified investment products that are not annuity contracts may be an affiliate by common ownership or control of the issuer of the qualified investment products. Generally, unless a person or entity, or its affiliate, has primary liability for performance of the obligations in the product or contract, or such person or entity is a platform company, "company" does not include: a reinsurance company, a third party administrator, an entity performing duties under an administrative-services-only contract, or a representative such as a licensed or registered agent, broker, or investment advisor.

"Platform company" means a company that offers under Section 403(b)(7) of the Internal Revenue Code of 1986, custodial accounts that hold only qualified non-annuity investment products issued and registered with TRS by a certified company.

**Section I:**

"Name of Company" should indicate how the company wishes to be listed on the Teacher Retirement System (TRS) website list of certified companies.

"Phone Number for Contact by Public" and "Company Website Address" will be made available to school districts for verification of company eligibility, and to potential purchasers for access to company and product information.

"Contact Person" is the person responsible for providing required certification information to TRS and the person to whom requests for information from TRS should be directed.

**Section II:**

"NAIC #" is the unique company code assigned by the National Association of Insurance Commissioners for the company offering the annuity.

"Total adjusted capital" and "the authorized control level risk-based capital" are to be calculated in accordance with the risk-based capital requirements established in rules (28 Texas Administrative Code §7.402) adopted by the Texas Department of Insurance. The five-year average is to be calculated using the company's financial results as of December 31 of the five preceding years.

If this company is part of an Insurance Holding Company System as described in Section 823.006, Texas Insurance Code, and an affiliated company has met the five-year experience requirement of this section, the company is deemed to have the same experience as its affiliate for purposes of this section.

**Sections II and III:**

Maximum amounts for product fees, costs, and penalties are set by 34 Texas Administrative Code §53.3.

**Section III:**

Attach a copy of a Texas State Securities Board Authorized Security Issue Record in the name of the company certifying to TRS to demonstrate that the company is authorized to issue at least one qualified investment product. If the company holding the Authorized Security Issue Record is not the same as the company certifying to TRS, provide documentation to explain the legal relationship between the companies (e.g., subsidiary, affiliate, etc.).

**Section IV:**

Attach a copy of a Texas State Securities Board Certificate of Registration in the name of the company certifying to TRS demonstrating that the company is registered as a securities dealer or agent, or an investment advisor with the Texas State Securities Board. If the registered company is not the same as the company certifying to TRS, provide documentation to explain the legal relationship between the companies (e.g., subsidiary, affiliate, etc.).

**Section V:**

Annual demonstration that company representatives are properly licensed and qualified by training and continuing education is to be made by July 1st each year after initial certification. Companies are reminded that Article 6228a-5, Vernon's Texas Civil Statutes, requires that: 1) companies offering qualified investment products subject to salary reduction agreements must provide toll-free telephone transferring privileges each business day from 8 a.m. to 6 p.m., CST; and 2) a person who offers to sell an annuity contract that is or will likely be the subject of a salary reduction agreement shall provide notice to the potential buyer as specified in Article 6228a-5.

This form is promulgated under the authority of Article 6228a-5, Vernon's Texas Civil Statutes, and 34 Texas Administrative Code, Chapter 53.