

**WAC 208-710-050 Application review criteria.** The department of financial institutions will review applications for verification to ensure that retirement plans meet the following criteria established by RCW 43.330.732(7) and 43.330.735:

(1) The financial services firm offering the retirement plan must be licensed or hold a certificate of authority and be in good standing with the department of financial institutions, or be regulated by a federal agency with authority over banking, securities, or broker-dealer firms, and meet all federal laws and regulations to offer retirement plans;

(2) The retirement plan must offer a minimum of two product options:

(a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement; and

(b) A balanced fund.

(3) The retirement plan must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after the enrollees cease participation in the retirement plan offered on the Washington small business retirement marketplace;

(4) The financial services firm offering the retirement plan may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees, except that financial services firms may charge retirement plan enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department of commerce and the financial services firm;

(5) The financial services firm offering the retirement plan must provide information about the product's historical investment performance; and

(6) Participation in a retirement plan offered on the Washington small business retirement marketplace must be voluntary for both eligible employers and qualified employees.

[Statutory Authority: RCW 43.330.732, 43.330.735, 43.330.750, and 43.320.180. WSR 17-21-082, § 208-710-050, filed 10/16/17, effective 11/16/17; WSR 16-13-016, § 208-710-050, filed 6/3/16, effective 7/4/16.]