

2004

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

BUREAU OF BANKS AND TRUST COMPANIES

COMMERCIAL BANKING

IRA AND KEOGH ACCOUNTS

State banks, whether or not they have a trust certificate of authority granted by this Agency, may act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 and Self-Employed (Keogh) Retirement Plans (established pursuant to the Self-Employed Individuals Retirement Act of 1962), if the bank's duties as trustee or custodian are essentially custodial or ministerial in nature and the instrument governing such plan directs all contributions to be invested in:

- (1) savings accounts or time deposits of the bank, or any other assets if the investment is made solely at the direction and determination of the customer; and
- (2) provided that the bank does not advise customers to make any particular investment.

State banks that have trust powers may administer IRA and Keogh Accounts in a department outside its trust department if it complies with this policy statement.

[Revised: October, 2005]