

# Instructions for Form 5307

(Revised July 1998)

## Application for Determination for Adopters, of Master or Prototype, Regional Prototype, or Volume Submitter Plans

Section references are to the Internal Revenue Code unless otherwise noted.



Department of the Treasury  
Internal Revenue Service

**Public Inspection.** Form 5307 is open to public inspection if there are more than 25 plan participants. Therefore, it is important that the total number of participants be shown on line 4e. See the instructions for line 4e for a definition of participant.

**Disclosure Request by Taxpayer.** The Tax Reform Act of 1976 allows a taxpayer to request the IRS to disclose and discuss the taxpayer's return and/or return information with any person(s) the taxpayer designates in a written request. Use **Form 2848**, Power of Attorney and Declaration of Representative, for this purpose.

**Signature.** The application must be signed by the employer, plan administrator, or an authorized representative.

### How To Get Forms and Publications

**By personal computer.** Visit the IRS's Internet Web Site at [www.irs.ustreas.gov](http://www.irs.ustreas.gov) to get:

- Forms and instructions
  - Publications
  - IRS press releases and fact sheets
- You can also reach us using:

- Telnet at [iris.irs.ustreas.gov](tel:iris.irs.ustreas.gov)
- File Transfer Protocol at <ftp.irs.ustreas.gov>
- Direct Dial (by modem) — Dial direct to the Internal Revenue Services (IRIS) by calling **703-321-8020** using your modem. IRIS is an on-line information service on FedWorld.

**CD-ROM.** A CD-ROM containing over 2,000 tax products (including many prior year forms) can be purchased from the Government Printing Office (GPO). To order the CD-ROM, call the Superintendent of Documents at **202-512-1800**, or go through GPO's Internet Web Site ([www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs)).

**By phone and in person.** To order forms and publications, call **1-800-TAX-FORM (1-800-829-3676)** between 7:30 a.m. and 5:30 p.m. on weekdays. You can also get most forms and publications at your local IRS office.

**Note:** You must file the pink copy of page one, Form 5307, which can not be downloaded.

## General Instructions

### A Change To Note

Governmental plans are not required to attach Schedule Q (Form 5300), Nondiscrimination Requirements.

### Purpose of Form

Adopters of master or prototype, regional prototype, or volume submitter plans, use **Form 5307** to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust.

### Type of Plan

- A **Defined Contribution plan** (DCP) is a plan that provides an individual account for each participant and for benefits based only on the amount:

1. Contributed to the participant's account,

2. Any income, expenses, gains and losses, and any forfeitures of accounts of other participants which may be allocated to the participant's account.

- A **Defined Benefit plan** (DBP) is any plan that is not a DCP.

**Note:** A qualified plan must satisfy section 401(a) including but not limited to participation, vesting, nondiscriminatory contributions or benefits, distributions, and contribution and benefit limitations.

### Completing the Application

Applications are screened for completeness. Incomplete applications may be returned to the applicant. For this reason, it is important that an appropriate response be entered for each line (unless instructed otherwise). In completing the application, pay careful attention to the following:

- N/A (not applicable) is accepted as a response **only** if an N/A block is provided.
- If a number is requested, a number must be entered.
- If an item provides a choice of boxes to check, check only one box unless instructed otherwise.
- If an item provides a box or boxes to check, written responses are not acceptable.
- If a governmental plan or nonelecting church plan, certain lines do not have to

be completed. See **What To File and Specific Plans — Additional Requirements.**

- All applications must include the appropriate user fee and **Form 8717**, User Fee for Employee Plan Determination Letter Request. Please submit a separate check for each application. See **How To Get Forms and Publications** above to get Form 8717.
- The IRS may, at its discretion, require additional information any time it is deemed necessary.

### Who May File

This form may be filed by an adopter of:

- A master or prototype plan that was approved by the IRS National Office;
- A regional prototype plan approved in a key district office; or
- A district approved volume submitter plan.

**Standardized Plans.** A plan sponsor who adopts a master or prototype or regional prototype standardized plan and has had another qualified plan, or who adopts another plan in addition to the standardized plan, other than a paired plan, must file an application for a determination letter in order to have reliance as to the qualified status of the plan.

**Note:** Form 5307 may **not** be filed to request a determination letter for:

- A multiple employer plan (use **Form 5300**, Application for Determination for Employee Benefit Plan);
- An employee stock ownership plan (ESOP) (Attach **Form 5309**, Application for Determination of Employee Stock Ownership Plan, to Form 5300 or **Form 5303**, Application for Determination for Collectively Bargained Plans.);
- An individually designed plan (other than a District approved volume submitter plan) (Use Form 5300 or Form 5303, whichever applies.); or
- To determine if you are a member of an affiliated service group (use Form 5300).

### What To File

**All plans must attach the following:**

- Form 8717.
- Attach a duplicate copy of Form 5307, Page 1, to the pink copy of Form 5307. The duplicate copy may be a reproduction

or carbon; however, the signature must be original.

- Schedule Q (Form 5300) and any additional schedules or demonstrations required by these instructions or the instructions for Schedule Q.

**Note:** *Schedule Q should not be filed for a governmental plan.*

- An Adoption Agreement must accompany all applications submitted by master or prototype plan, or regional prototype plans. **Do not** submit a copy of the plan or trust instruments unless the plan is a regional prototype plan which uses separate trust or custodial account documents, or a volume submitter plan, in which case such trust or custodial account documents must be submitted along with the application.

- All applications submitted by adopters of District approved volume submitter plans must be accompanied by a copy of the plan and trust instrument and a written representation, made by the volume submitter under penalty of perjury, which explains if the plan and trust instrument are or are not word-for-word identical to the District approved specimen plan and, if not identical describes the location, nature and effect of each difference from the language of the approved specimen plan.

- All applications submitted by adopters of district approved volume submitter plans must also be accompanied by any other information or material required by the District office.

- An Opinion, Notification, or Advisory Letter issued to the plan must accompany all applications for adopters of master or prototype, regional prototype, or volume submitter plans.

- All applications for plans that have at any time in the past received a favorable determination letter must include a copy of the plan's latest determination letter.

- Also, if the plan is a regional prototype plan, a certification must be attached to the application that indicates the plans notification letter has not been withdrawn and is still in effect, and that the plan has not changed.

- If this application is filed for a standardized plan because the adopting employer maintains or has ever maintained another plan that is not paired with this plan, complete only lines 1 through 5, 7 through 9, and 10c and d. See the instructions for Schedule Q (Form 5300) regarding the completion of Schedule Q by standardized plans. Explain in a cover letter why the application is being filed.

### Specific Plans — Additional Requirements

For plans of **controlled groups of corporations, trades or businesses under common control, and affiliated service groups**, submit the statement specified in the instructions for line 6 below.

For a **governmental or nonelecting church plan**, file Form 5307 but skip line 10a. A nonelecting church plan is a plan for which an election under section 410(d) has not been made.

Schedule Q should not be filed by a governmental plan. Electing church plans must complete all of the form including line 10a.

File **Form 5310**, Application for Determination for Terminating Plan, to request a determination letter for the complete termination of a DBP or DCP.

File **Form 5310-A**, Notice of Merger, Consolidation, or Transfer of Plan Assets or Liabilities, 30 days prior to a merger, consolidation, or transfer of plan assets or liabilities.

**Note:** *If a CBP benefits employees other than collectively bargained employees, file Form 5303. DO NOT file Form 5307.*

### Where To File

Internal Revenue Service,

P.O. Box 192,

Covington, KY 41012-0192.

Requests shipped by Express Mail or a delivery service should be sent to:

Internal Revenue Service,  
201 West Rivercenter Blvd.,

Attn: Extracting Stop 312,

Covington, KY 41011.

**Private Delivery Services.** Applicants can use certain private delivery services designated by the the IRS, the IRS publishes a list of the designated private delivery services in September of each year. The list published in September 1997, includes only the following:

- Airborne Express (Airborne): Overnight Air Express Service, Next Afternoon Service, Secound Day Service.

- DHL Worldwide Express (DHL): DHL "Same Day" Service, DHL USA Overnight.

- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEX 2Day.

- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M.

The private delivery service can tell you how to get written proof of the mailing date.

### Specific Instructions

**Line 1a.** Enter the name, address, and telephone number of the plan sponsor/employer. A plan sponsor for:

1. A plan that covers the employees of one employer, is the employer;

2. A plan sponsored by two or more entities required to be combined under section 414(b), (c) or (m), is one of the members participating in the plan; or

3. A plan that covers the employees and/or partner(s) of a partnership, is the partnership.

The plan name of the sponsor should be the same name that was or will be used when the Form 5500 series return/reports are filed for the plan.

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

**Line 1b. Employer identification number (EIN).** Enter the 9-digit EIN assigned to the plan sponsor/employer. This should be the same EIN that was used or will be used when the Form 5500 series returns/reports are filed for the plan. (Do not use a social security number or the EIN of the trust.) Use **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. Form SS-4 can be obtained at Social Security Administration (SSA) offices or by calling 1-800-TAX-FORM.

The plan of a group of entities required to be combined under section 414(b), (c), or (m), and which is sponsored by more than one of the entities required to be combined, should enter the EIN of one of the sponsoring members. This EIN must be used in all subsequent filings of determination letter requests and for filing annual returns/reports unless there is a change of sponsor.

**Line 1c.** Enter the 2 digits representing the month the employer's tax year ends. This is the employer whose EIN was entered on line 1b.

**Line 2.** The contact person will receive copies of all correspondence as authorized in a power of attorney or other written designation. This item must be completed as described; a reference such as "see attached" is not acceptable.

**Line 3a.** In the box in the left margin, enter the number(s) that correspond to the request(s) being made.

**Enter 1** if IRS has not issued a determination letter for this plan.

**Enter 2** if this application is for a plan for which the IRS has previously issued a determination letter.

In addition, enter the date the plan or amendment was signed. If a plan or amendment is proposed, enter 9/9/9999. Enter the effective date where requested. The term "Date amendment effective" means the date the amendment becomes operative or takes effect.

**Enter 3** if this is a standardized plan (whether or not paired) and a determination is requested because the adopting employer maintains or has ever maintained another plan that is not paired with this plan.

If you enter 3, you **must** also enter a "1" or "2" and the appropriate dates in the space provided.

**Line 3b.** If you do not have a copy of the latest determination letter, explain this in the cover letter.

**Line 3c.** Section 3001 of ERISA requires the applicant to provide evidence that each employee who qualifies as an

interested party has been notified of the filing of the application. If "Yes" is checked, it means that each employee has been notified as required by the regulations under section 7476 or you have a one-person plan.

Rules defining "interested parties" and the form of notification are in Regulations section 1.7476-1. For an example of an acceptable format, see Rev. Proc. 98-6, 1998-1 I.R.B. 183. If "No" is checked, or this line is blank, your application will be returned.

**Note:** Rev. Proc. 98-6 is updated annually and can be found in the Internal Revenue Bulletin.

**Line 3d.** Check "Yes" if your plan contains provisions for a cash or deferred arrangement (CODA) under section 401(k), or for employee or matching contributions described in section 401(m), otherwise, check "No."

**Line 4a.** Enter a name for the plan.

**Line 4b.** Assign and enter a three-digit number, beginning with "001" and continuing in numerical order for each plan adopted. This numbering will differentiate your plans. The number that is assigned to a plan must not be changed or used for any other plan.

**Line 4c.** "Plan year" means the calendar, policy, or fiscal year on which the records of the plan are kept. Enter four digits in month-day order.

**Example:** March 31 would be 0331.

**Line 4d.** Enter the year the plan originally became effective.

**Line 4e.** Enter:

1. the total number of employees participating in the plan (include employees under a section 401(k) qualified cash or deferred arrangement who are eligible, but do not make elective deferrals),

2. retirees or other former employees who have a nonforfeitable right to benefits under the plan, and

3. a beneficiary of a deceased employee who is receiving or will in the future receive benefits under the plan.

This means one beneficiary for each former employee regardless of the number of individuals receiving benefits.

**Example:** Payment of a former employee's benefit to three children is considered as a payment to one beneficiary.

**Line 6** If the plan sponsor is a member of a controlled group of corporations, trades or businesses under common

control, or an affiliated service group. All employees of the group will be treated as employed by a single employer for purposes of certain qualification requirements such as coverage.

Attach a statement showing in detail all members of the group, their relationship to the plan sponsor, the type of plans each member has, and the plans common to all members.

**Note:** If you want to apply for a determination letter to determine if you are a member of an affiliated service group, do not file this form. File Form 5300 instead.

**Line 7. Type of Adopter** In the box in the left margin, enter the number that corresponds to the request being made.

**Enter 1** if you are adopting a master or prototype plan having an opinion letter issued by the IRS.

**Enter 2** if you are adopting a regional prototype plan having a notification letter issued by the IRS.

**Enter 3** if you are adopting a volume submitter plan having a favorable letter identifying the plan as approved under the District volume submitter program.

**Line 8. Type of Plan** In the box in the left margin, enter the number that corresponds to the request being made.

**Enter 1** if a governmental plan.

**Enter 2** if a nonelecting church plan (i.e., a plan for which an election under section 410(d) has not been made).

**Enter 3** if a collectively bargained plan.

**Enter 4** if a section 412(i) plan.

**Enter 5** if not described above. Most plans will enter "5."

**Line 9a.** If you maintain any other qualified plan(s), attach a list for each plan which includes the following information:

1. name of plan,
2. type of plan,
3. form of plan (standardized or nonstandardized),
4. plan number,

5. whether the plan has received a determination letter or an application for a letter is pending with IRS.

Also indicate if the plan is paired (if paired, indicate the letter serial number of the paired plan).

**Line 9b and 9c.** See M-8, M-12, and M-14 of Regulations section 1.416-1.

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## Miscellaneous

**Line 10a.** Section 411(d)(6) protected benefits include:

- The accrued benefit of a participant as of the later of the amendment's adoption date or effective date; and
- Any early retirement benefit, retirement-type subsidy or optional form of benefit for benefits from service before such amendment.

If the answer is "Yes," attach an explanation of how the amendment satisfies one of the exceptions to the prohibition on reduction or elimination of section 411(d)(6) protected benefits.

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**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you want to have your plan approved by the IRS, you are required to give us the information. We need it to determine whether you meet the legal requirements for plan approval.

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 section 6103.

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

Recordkeeping.....	5 hr., 16 min.
Learning about the law or the form .....	4 hr., 10 min.
Preparing the form .....	8 hr., 9 min.
Copying, assembling, and sending the form to the IRS.	1 hr., 4 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 Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001.

**DO NOT** send the tax form to this office. Instead, see **Where To File** on page 2.