

DOL Fiduciary Rule Update

Thoughts on what could possibly be requested during the comment period and two key dates:

1. **July 21, 2017**
 - a. Extension of the January 1, 2018 date, when the requirements about disclosures and new contracts are set to take effect.
 - b. It appears highly likely that the date will move to January 1, 2019 due to the coordination with the SEC and the nature of the Rule in general.

2. **August 7, 2017**
 - a. Many of the conditions of the Rule will precipitate essential questions
 - b. Repeal of the rule appears highly unlikely.
 - c. A sales exclusion may be included for marketing versus implementation, similar to the "hire me" exception that would allow advisers to discuss in more detail products and services.
 - d. Expansion of 84-24 to include fixed indexed products. This would benefit independent advisers with no one "financial institution".
 - e. Amendment of the wholesaler inclusion to remove a wholesaler acting in a fiduciary capacity when speaking with an independent adviser.
 - f. Annuity fee "annualization" involving disclosure of the fee that an adviser received as opposed to the up-front fee.
 - g. Allowance of sales that were made prior to the Rule to continue without application of the new Rule.
 - h. Removal of the private right of action.
 - i. Source of funds for RMDs. Currently, advice on investing a RMD is a fiduciary act. Removal of this implication may occur as the individual must take an RMD.

Also, once this particular comment period ends, there will be a comment period on the DOLs response to these requests.

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