

Rule A-13: Underwriting and Transaction Assessments for Brokers, Dealers and Municipal Securities Dealers

(a) *Underwriting Assessments – General Scope.* Each broker, dealer and municipal securities dealer shall pay to the Board an underwriting fee as set forth in subsection [(b)](c)(i) for all municipal securities purchased from an issuer by or through such broker, dealer or municipal securities dealer, whether acting as principal or agent, as part of a primary offering, provided that the fee under this section [(b) of this rule] shall not apply to a primary offering of securities if all such securities in the primary offering:

- (i) are commercial paper as defined in MSRB Rule G-32(d); or
- (ii) constitute municipal fund securities.

If a syndicate or similar account has been formed for the purchase of the securities, the underwriting fee shall be paid by the managing underwriter on behalf of each participant in the syndicate or similar account.

(b) Underwriting Assessments – Certain Municipal Fund Securities. Each underwriter of a primary offering of a plan, as the terms “underwriter” and “plan” are defined under Rule G-45(d)(xiv) and Rule G-45(d)(ix), respectively, shall pay to the Board an underwriting fee as set forth in subsection (c)(ii). For the purposes of this section, if multiple underwriters of the primary offering of a plan are identified on MSRB Form G-45, the term “underwriter” shall be limited to the underwriter identified as the primary distributor in the official statement for the primary offering submitted under MSRB Rule G-32 as of December 31 of the relevant year.

[(b)](c) Underwriting Assessments - Amounts.

- (i) For those primary offerings subject to assessment under section (a) above, the amount of the underwriting fee is .00275% (\$.0275 per \$1,000) of the par value.
- (ii) For those primary offerings subject to assessment under section (b) above, the amount of the underwriting fee is .0005% (\$.005 per \$1,000) of the total aggregate assets for the reporting period ending December 31 each year, as required to be reported on MSRB Form G-45.

[(c)](d) Transaction and Technology Assessments.

- (i) *Transaction Fee on Inter-Dealer Sales.* Each broker, dealer and municipal securities dealer shall pay to the Board a fee equal to .001% (\$.01 per \$1,000) of the total par value of inter-dealer municipal securities sales that it reports to the Board under rule G-14(b), except as provided in subsection (iii) of this section [(c)](d). For those inter-dealer transactions reported to the Board by a broker, dealer or municipal securities dealer on behalf of another broker, dealer or municipal securities dealer, the inter-dealer transaction

fee shall be paid by the broker, dealer or municipal securities dealer that reported the transaction to the Board. Such broker, dealer or municipal securities dealer may then collect the inter-dealer transaction fee from the broker, dealer or municipal securities dealer on whose behalf the transaction was reported.

(ii) *Transaction Fee on Customer Sales.* Each broker, dealer and municipal securities dealer shall pay to the Board a fee equal to .001% (\$.01 per \$1,000) of the total par value of sales to customers that it reports to the Board under rule G-14(b), except as provided in subsection (iii) of this section [(c)](d). The customer transaction fee shall be paid by the broker, dealer or municipal securities dealer that effected the sale to the customer.

(iii) *Transactions Not Subject to Transaction Fee.* Transaction fees assessed pursuant to subsection (i) or (ii) of this section [(c)](d) are not assessed on transactions in municipal securities that:

(a) – (c) No change.

(iv) No change.

(a) – (b) No change.

[(d)](e) *Billing Procedure.* [The] For the assessments set forth in sections (c)(i) and (d), the Board [periodically] monthly will invoice brokers, dealers and municipal securities dealers for payment of underwriting assessments and transaction [fees] and technology assessments. For the assessments set forth in section (c)(ii), the Board annually will invoice the underwriter identified in section (b) for the payment of underwriting assessments. The underwriting assessments and transaction [fees] and technology assessments must be paid within 30 days of the sending of the invoice by the Board.

[(e)](f) *Prohibition on Charging Fees Required Under this Rule to Issuers.* No broker, dealer or municipal securities dealer shall charge or otherwise pass through the fees required under this rule to an issuer of municipal securities.

[(f)](g) *Definition.* The term “primary offering” shall have the meaning set forth in Rule G-32(d)(viii), provided that, for purposes of Rule A-13, the term “primary offering” shall not include any remarketing of municipal securities.