

(d) Any member who has filed an election, modification, or revocation prior to August 13, 1968, may before September 1, 1969, submit a written application to the Secretary concerned requesting that such election, modification, or revocation remain under the time-of-election provisions of the law applicable on the date it was filed.

## PART 50—PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS

### GENERAL PROVISIONS

- Sec.  
 50.1 Purpose.  
 50.2 Applicability.  
 50.3 Definitions.  
 50.4 Policy.  
 50.5 Responsibilities.  
 50.6 Procedures.  
 50.7 Information requirements.

#### APPENDIX A TO PART 50—LIFE INSURANCE PRODUCTS AND SECURITIES

#### APPENDIX B TO PART 50—OVERSEAS LIFE INSURANCE REGISTRATION PROGRAM

AUTHORITY: 5 U.S.C. 301.

SOURCE: 71 FR 38764, July 10, 2006, unless otherwise noted.

### GENERAL PROVISIONS

#### § 50.1 Purpose.

This part:

(a) Implements section 577 of Public Law No. 109-163 (2006) and establishes policy and procedures for personal commercial solicitation on DoD installations.

(b) Continues the established annual DoD registration requirement for the sale of insurance and securities on DoD installations overseas.

(c) Identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn.

(d) Establishes procedures for persons solicited on DoD installations to evaluate solicitors.

(e) Prescribes procedures for providing financial education programs to military personnel.

#### § 50.2 Applicability.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) Does not apply to services furnished by residential service companies, such as deliveries of milk, laundry, newspapers, and related services to personal residences on the installation requested by the resident and authorized by the installation commander.

(c) Applies to all other personal commercial solicitation on DoD installations. It includes meetings on DoD installations of private, non-profit, tax-exempt organizations that involve commercial solicitation. Attendance at these meetings shall be voluntary and the time and place of such meetings are subject to the discretion of the installation commander or his or her designee.

#### § 50.3 Definitions.

*Agent.* An individual who receives remuneration as a salesperson or whose remuneration is dependent on volume of sales of a product or products. (Also referred to as “commercial agent” or “producer”). In this part, the term “agent” includes “general agent” unless the content clearly conveys a contrary intent.

*“Authorized” Bank and/or Credit Union.* Bank and/or credit union selected by the installation commander through open competitive solicitation to provide exclusive on-base delivery of financial services to the installation under a written operating agreement.

*Banking institution.* An entity chartered by a State or the Federal Government to provide financial services.

*Commercial sponsorship.* The act of providing assistance, funding, goods, equipment (including fixed assets), or services to an MWR program or event by an individual, agency, association,

company or corporation, or other entity (sponsor) for a specified (limited) period of time in return for public recognition or advertising promotions. Enclosure 9 of DoD Instruction 1015.10<sup>1</sup> provides general policy governing commercial sponsorship.

*Credit union.* A cooperative nonprofit association, incorporated under the Credit Union Act (12 U.S.C. 1751), or similar state statute, for the purpose of encouraging thrift among its members and creating a source of credit at a fair and reasonable rate of interest.

*DoD installation.* For the purposes of this part, any Federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which DoD personnel are assigned for duty, including barracks, transient housing, and family quarters.

*DoD personnel.* For the purposes of this part, all active duty officers (commissioned and warrant) and enlisted members of the Military Departments and all civilian employees, including nonappropriated fund employees and special Government employees, of the Department of Defense.

*Financial services.* Those services commonly associated with financial institutions in the United States, such as electronic banking (e.g., ATMs), in-store banking, checking, share and savings accounts, fund transfers, sale of official checks, money orders and travelers checks, loan services, safe deposit boxes, trust services, sale and redemption of U.S. Savings Bonds, and acceptance of utility payments and any other consumer-related banking services.

*General agent.* A person who has a legal contract to represent a company. See the definition of "Agent" in this section.

*Insurance carrier.* An insurance company issuing insurance through an association reinsuring or coinsuring such insurance.

*Insurance product.* A policy, annuity, or certificate of insurance issued by an insurer or evidence of insurance coverage issued by a self-insured association, including those with savings and investment features.

*Insurer.* An entity licensed by the appropriate department to engage in the business of insurance.

*Military services.* See Joint Publication 1-02, "DoD Dictionary of Military and Associated Terms."<sup>2</sup>

*Normal home enterprises.* Sales or services that are customarily conducted in a domestic setting and do not compete with an installation's officially sanctioned commerce.

*Personal commercial solicitation.* Personal contact, to include meetings, meals, or telecommunications contact, for the purpose of seeking private business or trade.

*Securities.* Mutual funds, stocks, bonds, or any product registered with the Securities and Exchange Commission except for any insurance or annuity product issued by a corporation subject to supervision by State insurance authorities.

*Suspension.* Temporary termination of privileges pending completion of a commander's inquiry or investigation.

*Withdrawal.* Termination of privileges for a set period of time following completion of a commander's inquiry or investigation.

#### § 50.4 Policy.

(a) It is DoD policy to safeguard and promote the welfare of DoD personnel as consumers by setting forth a uniform approach to the conduct of all personal commercial solicitation and sales to them by dealers and their agents. For those individuals and their companies that fail to follow this policy, the opportunity to solicit on military installations may be limited or denied as appropriate.

(b) Command authority includes authority to approve or prohibit all commercial solicitation covered by this part. Nothing in this part limits an installation commander's inherent authority to deny access to vendors or to establish time and place restrictions on commercial activities at the installation.

#### § 50.5 Responsibilities.

(a) The Principal Deputy Under Secretary of Defense for Personnel and

<sup>1</sup>Copies may be obtained at <http://www.dtic.mil/whs/directives/>.

<sup>2</sup>See <http://www.dtic.mil/doctrine/jel/dodddict/index.html>.