§ 84.03 Definitions.

As used in this article:

1. The term "financial organization" means an organization authorized to do business in the state of New York and which: (a) is licensed or chartered by the department of financial services; (b) is licensed or chartered by an agency of the federal government; or (c) is subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

2. "Account" or "NY ABLE account" shall mean an individual savings account established in accordance with the provisions of section 529A of the Internal Revenue Code.

3. "Account owner" shall mean a person who opens a savings account pursuant to the provisions of section 529A of the Internal Revenue Code, as amended, or any regulations promulgated thereunder. The account owner must also be the designated beneficiary of the account.

4. "Designated beneficiary" shall mean, with respect to an account or accounts, any individual who is an "eligible individual" as defined under paragraph (1) of subsection (e) of section 529A of the Internal Revenue Code of 1986, as amended, or any regulations promulgated thereunder and whose qualified expenses are expected to be paid from the account or accounts.

5. "Qualified expenses" shall mean any qualified disability expense included in paragraph (5) of subsection (e) of section 529A of the Internal Revenue Code of 1986, as amended, or any regulations promulgated thereunder.

6. "Nonqualified withdrawal" shall mean a withdrawal from an account for other than a qualified expense, or a withdrawal made as the result of the death or disability of the designated beneficiary of an account.

7. "Management contract" shall mean the contract executed by the

comptroller and a financial organization selected to act as a depository and manager of the program.

8. "Savings agreement" shall mean an agreement between the comptroller or a financial organization and the account owner.

9. "Program manager" shall mean a financial organization selected by the comptroller to act as a depository and manager of the program.