

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**3901-1-01 Public notice by publication.**

(A) Purpose

~~This~~The purpose of this rule provides for the giving of proper notice by publication as required by the Administrative Procedures Act, Chapter 119, of the Revised Code ~~of Ohio~~; various sections of Title 39, ~~the Insurance~~ of the Revised Code; and such other miscellaneous sections of the Revised Code concerned with promulgation to the public of such insurance matters as are of widespread public interest and which do not set forth with particularity the means, content and frequency of notice. ~~Any and all existing Department of Insurance rules concerning notice by publication are hereby rescinded, including an unnumbered rule effective September 10, 1956.~~

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under section 3901.041 of the Revised Code.

~~(B)~~(C) Public Notice notice of ~~Department~~ department of ~~Insurance Proposed Rules~~ insurance proposed rules

- (1) Public notice of the proposed adoption, amendment or rescission of any rule by the ~~Superintendent~~ superintendent of ~~Insurance~~ insurance, in accord with sections 119.01 ~~through 119.13~~ to 119.14 of the Revised Code, inclusive, ~~Revised Code of Ohio~~, shall be given by publication in a newspaper of general circulation of not less than ~~10,000~~ ten thousand in Cuyahoga, Franklin, Hamilton, and Lucas ~~Counties~~ counties. Such notice shall be published at least once not less than thirty days prior to the date set for a hearing on the proposed rule, and shall be in full conformity with section 119.03, of the Revised Code.
- (2) Notwithstanding ~~subsection (1) immediately preceding~~ paragraph (C)(1) of this rule, public notice of the proposed adoption, amendment or rescission of any rule relating to statistical plans, the reporting of statistical information or the designation of statistical agents pursuant to sections 3935.10 and 3937.12, of the Revised Code, shall be given by publication at least once in a newspaper published in Franklin ~~County~~ county, and having a circulation of not less than ~~10,000~~ ten thousand, not less than thirty days prior to the date set for hearing on such proposal.

~~(C)~~(D) Other Public Notice public notice by ~~Superintendent~~ superintendent of ~~Insurance~~ insurance

Whenever various other sections of Title 39, ~~Insurance~~, or miscellaneous sections in other chapters of the Revised Code ~~of Ohio~~ require public notice to be given by the

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~~Superintendent~~ superintendent of ~~Insurance~~ insurance, and where the method and content of notice are not set forth with particularity, such notice shall be made in accord with ~~subsection (B)(1)~~ paragraph (C)(1) of this rule hereof.

~~(D)~~ (E) Public ~~Notice~~ notice by ~~Insurance Industry~~ insurance industry

(1) Whenever an insurance company or any individual or firm connected therewith, subject to the regulation and jurisdiction of the ~~Department~~ department of ~~Insurance~~ insurance, are required to give public notice by any section of the Revised Code of Ohio, in which the method and content of notice are not set forth with particularity, such public notice shall be given in accord with ~~subsection (B)(1)~~ paragraph (C)(1) of this rule hereof.

(2) Such public notice shall include:

- (a) A synopsis or general statement of the subject matter involved.
- (b) An indication of the company's position, or action to be taken, regarding the subject of notice.
- (c) The date, time, and place of hearing, if any, or the effective date of action taken, or to be taken.

~~(E)~~ (F) Discretion to ~~Vary Publication~~ vary publication

Whenever the ~~Superintendent~~ superintendent of ~~Insurance~~ insurance determines that the subject matter of public notice is of an unusual nature and appropriate for more widespread publication, ~~he~~ they may direct that such notice be also made in newspapers of general circulation of not less than ~~10,000~~ ten thousand in one or more of the following counties: Mahoning, Montgomery, Summit and Athens. Whenever the subject matter of public notice is of a regional nature, the ~~Superintendent~~ superintendent of ~~Insurance~~ insurance may direct such special publication as appropriate. In any case, the ~~Superintendent~~ superintendent of ~~Insurance~~ insurance may direct that publication be made more than once, as frequently as may be appropriate. In addition to the public notice provided by this rule, the ~~Superintendent~~ superintendent of ~~Insurance~~ insurance may give, or order, such other means of notice as ~~he deems~~ they deem necessary or appropriate.

~~(F)~~ Effective Date

~~These rules shall take effect the 15th day of August, 1966.~~

(G) Severability

If any paragraph, term or provision of this rule is adjudged invalid for any reason, the

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judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, but the remaining paragraphs, terms and provisions shall be and continue in full force and effect.