

OHIO §3916.06(B) Viatical/Life Settlement Disclosures

- (1) A viatical/life settlement provider shall disclose at least the following to a viator prior to the date the viatical/life settlement contract is signed by all the necessary parties:
 - (a) The affiliation, if any, between the viatical/life settlement provider and the issuer of the policy to be viaticated;
 - (b) The name, business address, and telephone number of the viatical/life settlement provider;
 - (c) Regarding a viatical/life settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical/life settlement broker for the placement of a policy or certificate.
 - (d) Any affiliations or contractual arrangements between the viatical/life settlement provider and the viatical/life settlement broker;
 - (e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that advice should be sought from the viator's insurance agent or the company issuing the policy ;
 - (f) The dollar amount of the current death benefit payable to the viatical/life settlement provider under the policy , and, if known, the availability of any additional guaranteed insurance benefits, the dollar amount of any accidental death and dismemberment benefits under the policy , and the extent to which the viator's interest in those benefits will be transferred as a result of the viatical/life settlement contract.
 - (g) That an escrow agent shall provide escrow services to the parties pursuant to a written agreement, signed by the viatical/life settlement provider, the viatical/life settlement broker, and the viator. At the close of escrow, the escrow agent will distribute the proceeds of the sale to the viator, minus any compensation to be paid to any other persons who provided services and to whom the viator has agreed to compensate out of the gross amount offered by the viatical/life settlement purchaser. All persons receiving any form of compensation under the escrow agreement shall be clearly identified, including name, business address, telephone number, and tax identification number.
- (2) The viatical/life settlement broker shall disclose at least the following to a viator prior to the execution of the viatical/life settlement contract:
 - (a) The name, business address, and telephone number of the viatical/life settlement broker;
 - (b) A full, complete, and accurate description of all offers, counteroffers, acceptances, and rejections relating to the proposed viatical/life settlement contract;
 - (c) Any affiliations or contractual agreements between the viatical/life settlement broker and any person making an offer in connection with the proposed viatical/life settlement contract;
 - (d) The amount and method of calculating the viatical/life settlement broker's compensation and, if any portion of the viatical/life settlement broker's compensation is taken from the viatical/life settlement offer, the total amount of the viatical/life settlement offer and the viatical/life settlement broker's compensation as a percentage of that total. As used in this division, "compensation" includes anything of value paid or given to a viatical/life settlement broker related to the settlement of a policy.
- (3) The viatical/life settlement provider or viatical/life settlement broker shall conspicuously display the disclosures required under divisions (B)(1) and (2) of this section in the viatical/life settlement contract or in a separate document signed by the viator and the viatical/life settlement provider or viatical/life settlement broker, as appropriate.
- (C) If the viatical/life settlement provider transfers ownership or changes the beneficiary of the policy, the viatical/life settlement provider shall communicate in writing the change in ownership or beneficiary to the insured within twenty days after the change.