

AN ACT

To amend sections 3905.01, 3905.011, 3905.012, 3905.48, 3905.49, 3905.55, 3905.86, and 3905.99; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3905.86 (3905.81); and to enact new section 3905.86 and sections 2927.27, 3905.83, 3905.84, 3905.841, 3905.85, 3905.851, 3905.861, 3905.862, 3905.87 to 3905.92, 3905.921, 3905.93, 3905.931, 3905.932, 3905.933, 3905.934, 3905.94, 3905.941, and 3905.95 of the Revised Code relative to the regulation of surety bail bond agents and the apprehension or arrest of a principal on bond.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3905.01, 3905.011, 3905.012, 3905.48, 3905.49, 3905.55, 3905.86, and 3905.99 be amended, section 3905.86 (3905.81) be amended for the purpose of adopting a new section number as indicated in parentheses, and new section 3905.86 and sections 2927.27, 3905.83, 3905.84, 3905.841, 3905.85, 3905.851, 3905.861, 3905.862, 3905.87, 3905.88, 3905.89, 3905.90, 3905.91, 3905.92, 3905.921, 3905.93, 3905.931, 3905.932, 3905.933, 3905.934, 3905.94, 3905.941, and 3905.95 of the Revised Code be enacted to read as follows:

Sec. 2927.27. (A) No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on bond, wherever issued, unless that person meets all of the following criteria:

(1) The person is any of the following:

(a) Qualified, licensed, and appointed as a surety bail bond agent under sections 3905.83 to 3905.95 of the Revised Code;

(b) Licensed as a surety bail bond agent by the state where the bond was written;

(c) Licensed as a private investigator under chapter 4749. of the Revised Code;

(d) Licensed as a private investigator by the state where the bond was written;

(e) An off-duty peace officer, as defined in section 2921.51 of the Revised Code.

(2) The person, prior to apprehending, detaining, or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained, or arrested.

For purposes of division(A) (2) of this section, "surety" has the same meaning as in section 3905.83 of the Revised Code.

(3) The person, prior to apprehending, detaining, or arresting the principal, has notified the local law enforcement agency having jurisdiction over the area in which such activities will be performed and has provided any form of identification or other information requested by the law enforcement agency.

(B) No person shall represent the person's self to be a bail enforcement agent or bounty hunter, or claim any similar title, in this state.

(C) (1) whoever violates this section is guilty of illegal bail bond agent practices.

(2) a violation of division (A) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (A) of this section, a felony of the third degree.

(3) a violation of division (B) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to two or more violations of division (B) of this section, a felony of the third degree.

Sec. 3905.01. (A) No person shall procure an application or quote premiums for, discuss coverages of, or solicit, negotiate, effect, procure, place, write, deliver, renew, or bind, a policy of insurance, including any fidelity, surety, or guaranty bond, through any medium for risks residing, located, or to be performed in this state, unless the person is licensed by the superintendent of insurance in accordance with this chapter.

(B) Division (A) of this section does not apply to any of the following persons:

(1) An insurer as defined in section 3901.32 of the Revised Code;

(2) Any person who furnishes information regarding group insurance, enrolls individuals in group insurance plans, issues certificates under such plans, or otherwise assists in administering such plans, if no commission or

other form of compensation related to premium or sales volume is paid for such services;

(3) Any employee of a creditor with respect to insurance products made available only in connection with a credit transaction, including credit life insurance, credit disability or accident and health insurance, credit property insurance, mortgage life insurance, mortgage accident and health insurance, involuntary unemployment insurance, individual life insurance, and individual disability or accident and health insurance, if the entire premium is financed as part of the credit transaction and the following conditions are met:

(a) If the insurance product is an individual life insurance policy, a licensed agent is responsible for the insurance transaction.

(b) If the employee of the creditor is paid by the insurance agent or by the insurance company, the employee holds a limited authority license.

For purposes of division (B)(3) of this section, "credit property insurance" means insurance covering risks of loss, damage, and destruction of property used as security for a credit transaction, which insurance may also cover other property that is merely incidental to the property used as security for the credit transaction.

(4) Any employer, or officer or employee of an employer, to the extent that the employer, officer, or employee is engaged in the administration or operation of any employee benefits program involving the use of insurance for the employer's employees or the employees of a subsidiary or affiliate of the employer, provided that the employer, officer, or employee is not compensated, either directly or indirectly, in any manner by an insurance agent or by the insurance company issuing the insurance;

(5) An adjuster employed by or representing an insurer in the adjustment of claims or a public insurance adjuster holding a certificate of authority issued under Chapter 3951. of the Revised Code when performing the duties of a public insurance adjuster.

(C) Division (A) of this section does not apply to any of the following activities when performed by an employee of, and at the direction of, an insurer or licensed insurance agent:

(1) The acceptance of premiums other than the initial premium;

(2) The gathering of information, such as names, addresses, expiration dates of current insurance, and names of current insurers;

(3) The setting of appointments for insurance agents, provided that the person setting the appointment does not communicate any information about insurance;

(4) The servicing of existing insurance policies issued by or through the

employee's employer, provided the servicing is not part of a solicitation;

(5) The performance of clerical or ministerial duties.

(D) The superintendent may adopt rules in accordance with Chapter 119. of the Revised Code to set forth the specific acts that comprise any of the activities described in this section, the performance of which either requires or does not require licensure as an agent.

Sec. 3905.011. (A) As used in this section and sections 3905.012 and 3905.013 of the Revised Code, "insurer" has the same meaning as in section 3901.32 of the Revised Code.

(B) Any person that is licensed as an agent under section 3905.02 or 3905.18 of the Revised Code is eligible to be appointed by one or more insurers authorized to do business in this state.

(C)(1) ~~Prior to~~ By appointing an agent, an insurer ~~shall certify~~ certifies to the superintendent of insurance, ~~in accordance with rules adopted by the superintendent under section 3905.013 of the Revised Code,~~ that the person is competent, financially responsible, and suitable to represent the insurer.

(2) No agent shall represent to the public that the agent has authority to represent a particular insurer until the insurer has acknowledged that authority by appointment of the agent in accordance with division (C)(1) of this section.

(D)(1) No insurer shall pay a commission, fee, or other type of consideration, or give any other thing of value, to a person that is required to be licensed by the superintendent under this chapter for the sale of, or for any direct or indirect connection with the sale of, any insurance sold by or on behalf of the insurer, but is not so licensed.

(2) Nothing in this section prohibits an insurer from entering into a compensation agreement with a creditor with respect to insurance products made available only in connection with a credit transaction, including credit life insurance, credit disability or accident and health insurance, credit property insurance, mortgage life insurance, mortgage accident and health insurance, involuntary unemployment insurance, individual life insurance, and individual disability or accident and health insurance, if the entire premium is financed as part of the credit transaction. For purposes of division (D)(2) of this section, "credit property insurance" has the same meaning as in division (B)(3) of section 3905.01 of the Revised Code.

Sec. 3905.012. (A)(1) Except as provided in division (A)(2) of this section, any person licensed as an agent under section 3905.02 ~~or~~, 3905.18, or 3905.85 of the Revised Code, or appointed as a solicitor under section 3905.03 of the Revised Code, may at any time surrender any or all licenses held by the person.

(2) No agent shall surrender the agent's licenses if the superintendent of insurance is investigating any allegation of wrongdoing by the agent or has initiated proceedings under Chapter 119. of the Revised Code and notice of an opportunity for a hearing has been issued to the agent, and any attempt to so surrender is invalid.

(B)(1) If an insurer or agent cancels the appointment of an agent or solicitor due to suspected fraud, misrepresentation, theft, conversion, or any other culpable misappropriation, the insurer or agent shall promptly notify the superintendent. The notice shall include a complete statement of the facts and the reasons for the cancellation.

(2) In the absence of fraud or actual malice, an insurer or agent is immune from any civil liability that otherwise might be incurred or imposed as a result of any action taken by the insurer or agent to comply with division (B)(1) of this section.

(C) If an agent's license is surrendered, revoked, or suspended, all appointments held by the agent are void. If a new license is issued to that person or if that person's previous license is reinstated, any appointment of the person to represent an insurer or agent must be made in accordance with the requirements of this chapter.

(D)(1) Any agent, other than a corporation, partnership, or limited liability company, who is no longer engaged in the business of insurance in any capacity for which an agent's license is required may apply to the superintendent for inactive status. The superintendent may grant such status only if the superintendent is satisfied that the person is not engaged in and does not intend to engage in any of the activities set forth in section 3905.01 of the Revised Code that requires an agent's license.

(2) A person who has been granted inactive status is exempt from any continuing education requirements imposed under this chapter.

(3) The superintendent may adopt rules in accordance with Chapter 119. of the Revised Code to establish procedures for applying for inactive status, criteria used to determine eligibility for such status, and standards and procedures for transferring from inactive to active status.

(E) The superintendent may suspend or revoke a license, or take any other disciplinary action authorized by this chapter, regardless of whether the person is appointed or otherwise authorized to represent an insurer or agent.

Sec. 3905.48. (A) No person, unless the person has complied with division (B) of this section, shall be permitted to take an examination for a license as an agent to engage in the sale of any of the following types of insurance:

(1) Life insurance, annuity contracts, variable annuity contracts, and variable life insurance;

(2) Sickness and accident insurance;

(3) All lines of property and casualty insurance;

(4) Surety bail bonds;

(5) All other lines of insurance for which an examination is required for licensing, except title insurance.

(B) No person shall be permitted to take an examination described in division (A) of this section unless either of the following applies:

(1) The person has earned a bachelor's or associate's degree in insurance in an accredited institution;

(2) The person has been granted a diploma for successfully completing a high school curriculum under section 3313.61 of the Revised Code or a certificate of high school equivalence under rule 3301-41-1 of the Administrative Code, or been granted a comparable diploma or certificate by another state, and has successfully completed at least forty hours of study in a program of insurance education approved by the superintendent of insurance in consultation with the insurance agent education advisory council under criteria established by the superintendent.

Sec. 3905.49. (A) As used in this section:

(1) "Insurer" has the same meaning as in section 3901.32 of the Revised Code.

(2) "Refusal to issue or renew" means the decision of the superintendent of insurance not to process either the initial application for a license as an agent or the renewal of such a license.

(3) "Revocation" means the permanent termination of all authority to hold any license as an agent in this state.

(4) "Surrender for cause" means the voluntary termination of all authority to hold any license as an agent in this state, in lieu of a revocation or suspension order.

(5) "Suspension" means the termination of all authority to hold any license as an agent in this state, for either a specified period of time or an indefinite period of time and under any terms or conditions determined by the superintendent.

(B) The superintendent may suspend, revoke, or refuse to issue or renew any license as an agent, surety bail bond agent, surplus line broker, or limited insurance representative, or impose any other sanction authorized under this chapter, for one or more of the following reasons:

(1) Obtaining or attempting to obtain any license or appointment through misrepresentation or fraud, including making any materially untrue

statement in an application for a license or appointment;

(2) Violating or failing to comply with any insurance law, rule, subpoena, consent agreement, or order of the superintendent;

(3) Misappropriating or converting to the person's own use any moneys belonging to policyholders, prospective policyholders, beneficiaries, insurance companies, sureties, principals, or others received in the course of the person's insurance business;

(4) Failing to timely submit an application for insurance. For purposes of division (B)(4) of this section, a submission is considered timely if it occurs within the time period expressly provided for by the insurer, or within seven days after the agent accepts a premium or an order to bind from a policyholder or applicant, whichever is later.

(5) Knowingly misrepresenting the terms, benefits, value, cost, or effective dates of any actual or proposed insurance policy ~~or~~ contract, or bond;

(6) Being convicted of a felony;

(7) Being convicted of a misdemeanor that involves the misuse or theft of money or property belonging to another, fraud, forgery, dishonest acts, or breach of a fiduciary duty, or that is based on any act or omission relating to the business of insurance, securities, or financial services;

(8) Committing an unfair trade act or practice under any section of Title XXXIX of the Revised Code or any rule adopted thereunder;

(9) Having an insurance license suspended or revoked in any other state, province, or territory;

(10) Forging or causing the forgery of another's name to any document related to or used in an insurance transaction;

(11) Possessing or using any unauthorized materials during a licensing or continuing education examination or cheating on a licensing or continuing education examination;

(12) Failing to disclose to an applicant for insurance or policyholder upon accepting a premium or an order to bind coverage from the applicant or policyholder, that the person has not been appointed as agent by the insurer and is not an appointed solicitor of an appointed agent;

(13) Having any professional license suspended or revoked as a result of a mishandling of funds or breach of fiduciary responsibilities;

(14) Causing or permitting a policyholder or applicant for insurance to designate the person or the person's spouse, parent, child, or sibling as the beneficiary of a policy or annuity sold by the person, unless the person or a relative of the person is the insured or applicant;

(15) Failing to provide a written response to the department of insurance

within thirty days after receipt of any written inquiry from the department;

(16) Failing to notify the superintendent of any change in the person's address, within thirty days after the change occurs, as required by section 3905.54 of the Revised Code;

(17) Transferring or placing insurance with an insurer other than the insurer expressly chosen by the applicant for insurance or policyholder without the consent of the applicant or policyholder or absent extenuating circumstances;

(18) Engaging in any fraudulent, dishonest, or coercive practice in connection with the business of insurance;

(19) Failing to inform a policyholder or applicant for insurance of the identity of the insurer or insurers, or the identity of any other insurance agent, general agent, surplus line broker, or licensee known to be involved in procuring, placing, or continuing the insurance for the policyholder or applicant, upon the binding of the coverage;

(20) In the case of an agent that is a corporation, limited liability company, or partnership, failing to report an individual licensee's violation to the department when the violation was known or should have been known by one or more of the partners, officers, managers, or members of the corporation, limited liability company, or partnership;

(21) Submitting or using a document in the conduct of the business of insurance when the person knew or should have known that the document contained the forged signature of another person;

(22) Misrepresenting the person's qualifications or using in any way a professional designation that has not been conferred upon the person by the appropriate accrediting organization;

(23) Obtaining a premium loan or causing a premium loan to be made to or in the name of an insured without that person's knowledge and written authorization;

(24) Failing to notify the superintendent of any disciplinary action taken by the insurance authority of another state, within sixty days after the action was taken, as required by section 3905.54 of the Revised Code;

(25) Failing to file any of the reports or notices required under this chapter;

(26) Submitting an application for insurance, or causing the issuance of an insurance policy or contract, on behalf of an applicant who did not request or authorize the insurance. Division (B)(26) of this section does not apply to any policy issued by an other than life insurance company.

(27) Using paper, software, or any other materials of or provided by an insurer after the insurer has terminated the authority of the licensee, if the

use of such materials would cause a reasonable person to believe that the licensee was acting on behalf of or otherwise representing the insurer;

(28) Providing misleading, deceptive, or untrue information to an applicant for insurance or a policyholder regarding a particular insurance agent, company, or product;

(29) Soliciting, procuring an application for, or placing, either directly or indirectly, any insurance policy when the person is not authorized under this chapter to engage in such activity;

(30) Soliciting, marketing, or selling any product or service that offers benefits similar to insurance but is not regulated by the superintendent, without fully disclosing to the prospective purchaser that the product or service is not insurance and is not regulated by the superintendent;

(31) Failing to fulfill a refund obligation in a timely manner. For purposes of division (B)(31) of this section, a rebuttable presumption exists that a refund obligation is not fulfilled in a timely manner unless it is fulfilled within one of the following time periods:

(a) Thirty days after the date the policyholder, applicant, or insurer takes or requests action resulting in a refund;

(b) Thirty days after the date of the insurer's refund check, if the agent is expected to issue a portion of the total refund;

(c) Forty-five days after the date of the agent's statement of account on which the refund first appears.

(32) With respect to a surety bail bond agent license, rebating or offering to rebate, or unlawfully dividing or offering to divide, any commission.

(C) Before denying, revoking, suspending, or refusing to issue any license or imposing any penalty under this section or section 3905.482 of the Revised Code, the superintendent shall provide the licensee or applicant with notice and an opportunity for hearing as provided in Chapter 119. of the Revised Code, except as follows:

(1)(a) Any notice of opportunity for hearing, the hearing officer's findings and recommendations, or the superintendent's order shall be served by certified mail at the last known address of the licensee or applicant. Service shall be evidenced by return receipt signed by any person.

For purposes of this section, the "last known address" is the address that appears in the licensing records of the department of insurance.

(b) If the certified mail envelope is returned with an endorsement showing that service was refused, or that the envelope was unclaimed, the notice and all subsequent notices required by Chapter 119. of the Revised Code may be served by ordinary mail to the last known address of the

ensee or applicant. The mailing shall be evidenced by a certificate of mailing. Service is deemed complete as of the date of such certificate provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. The time period in which to request a hearing, as provided in Chapter 119. of the Revised Code, begins to run on the date of mailing.

(c) If service by ordinary mail fails, the superintendent may cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known place of residence or business of the party is located. The notice is considered served on the date of the third publication.

(d) Any notice required to be served under Chapter 119. of the Revised Code shall also be served upon the party's attorney by ordinary mail if the attorney has entered an appearance in the matter.

(e) The superintendent may, at any time, perfect service on a party by personal delivery of the notice by an employee of the department.

(f) Notices regarding the scheduling of hearings and all other matters not described in division (C)(1)(a) of this section shall be sent by ordinary mail to the party and to the party's attorney.

(2) Any subpoena for the appearance of a witness or the production of documents or other evidence at a hearing, or for the purpose of taking testimony for use at a hearing, shall be served by certified mail, return receipt requested, by an attorney or by an employee of the department designated by the superintendent. Such subpoenas shall be enforced in the manner provided in section 119.09 of the Revised Code. Nothing in this section shall be construed as limiting the superintendent's other statutory powers to issue subpoenas.

(D) If the superintendent determines that a violation described in this section has occurred, the superintendent may do any of the following:

(1) Assess a civil forfeiture in an amount not exceeding twenty-five thousand dollars per violation;

(2) Assess administrative costs to cover the expenses incurred by the department in the administrative action, including costs incurred in the investigation and hearing processes. Any costs collected shall be paid into the state treasury to the credit of the department of insurance operating fund created in section 3901.021 of the Revised Code.

(3) Suspend all of the person's licenses for all lines of insurance for either a specified period of time or an indefinite period of time and under such terms and conditions as the superintendent may determine;

(4) Permanently revoke all of the person's licenses for all lines of insurance;

(5) Refuse to issue a license;

(6) Refuse to renew a license;

(7) Prohibit the person from being employed in any capacity in the business of insurance and from having any financial interest in any insurance agency, company, surety bail bond business, or third-party administrator in this state. The superintendent may, in the superintendent's discretion, determine the nature, conditions, and duration of such restrictions.

(8) Order corrective actions in lieu of or in addition to the other penalties listed in division (D) of this section. Such an order may provide for the suspension of civil forfeitures, license revocation, license suspension, or refusal to issue or renew a license if the licensee complies with the terms and conditions of the corrective action order.

(9) Accept a surrender for cause offered by the licensee, which shall be for at least five years and shall prohibit the licensee from seeking any license authorized under this chapter during that time period. A surrender for cause may also include a corrective action order as provided in division (D)(8) of this section.

(E) The superintendent may consider the following factors in denying a license, imposing suspensions, revocations, fines, or other penalties, and issuing orders under this section:

(1) Whether the person acted in good faith;

(2) Whether the person made restitution for any pecuniary losses suffered by other persons as a result of the person's actions;

(3) The actual harm or potential for harm to others;

(4) The degree of trust placed in the person by, and the vulnerability of, persons who were or could have been adversely affected by the person's actions;

(5) Whether the person was the subject of any previous administrative actions by the superintendent;

(6) The number of individuals adversely affected by the person's acts or omissions;

(7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility;

(8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation;

(9) The person's efforts to conceal the misconduct;

(10) Remedial efforts to prevent future violations;

(11) If the person was convicted of a criminal offense, the nature of the offense, whether the conviction was based on acts or omissions taken under any professional license, whether the offense involved the breach of a fiduciary duty, the amount of time that has passed, and the person's activities subsequent to the conviction;

(12) Such other factors as the superintendent determines to be appropriate under the circumstances.

(F)(1) A violation described in division (B)(1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (17), (18), (19), (20), (21), (22), (23), (25), (26), (27), (28), (29), (30), ~~or (31)~~, or (32) of this section is a class A offense for which the superintendent may impose any penalty set forth in division (D) of this section.

(2) A violation described in division (B)(4), (15), (16), or (24) of this section is a class B offense for which the superintendent may impose any penalty set forth in division (D)(1), (2), (8), or (9) of this section.

(G) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, the superintendent may issue an order requiring that person to cease and desist from engaging in the violation. Notice of the order shall be mailed by certified mail, return receipt requested, or served in any other manner provided for in this section, immediately after its issuance to the person subject to the order and to all persons known to be involved in the violation. The superintendent may thereafter publicize or otherwise make known to all interested parties that the order has been issued.

The notice shall specify the particular act, omission, practice, or transaction that is subject to the cease-and-desist order and shall set a date, not more than fifteen days after the date of the order, for a hearing on the continuation or revocation of the order. The person shall comply with the order immediately upon receipt of notice of the order.

The superintendent may, upon the application of a party and for good cause shown, continue the hearing. Chapter 119. of the Revised Code applies to such hearings to the extent that that chapter does not conflict with the procedures set forth in this section. The superintendent shall, within fifteen days after objections are submitted to the hearing officer's report and recommendation, issue a final order either confirming or revoking the cease-and-desist order. The final order may be appealed as provided under section 119.12 of the Revised Code.

The remedy under this division is cumulative and concurrent with the other remedies available under this section.

(H) If the superintendent has reasonable cause to believe that an order

issued under this section has been violated in whole or in part, the superintendent may request the attorney general to commence and prosecute any appropriate action or proceeding in the name of the state against such person.

The court may, in an action brought pursuant to this division, impose any of the following:

(1) For each violation, a civil penalty of not more than twenty-five thousand dollars;

(2) Injunctive relief;

(3) Restitution;

(4) Any other appropriate relief.

(I) With respect to a surety bail bond agent license:

(1) Upon the suspension or revocation of a license, or the eligibility of a surety bail bond agent to hold a license, the superintendent likewise may suspend or revoke the license or eligibility of any surety bail bond agent who is employed by or associated with that agent and who knowingly was a party to the act that resulted in the suspension or revocation.

(2) The superintendent may revoke a license as a surety bail bond agent if the licensee is adjudged bankrupt.

(J) This section applies to both resident and nonresident agents who are licensed under this chapter.

~~(J)~~(K) Nothing in this section shall be construed to create or imply a private cause of action against an agent, solicitor, or insurer.

Sec. 3905.55. (A) Except as provided in division (B) of this section, an agent may charge a consumer a fee if all of the following conditions are met:

(1) The fee is disclosed to the consumer in a manner that separately identifies the fee and the premium.

(2) The fee is not calculated as a percentage of the premium.

(3) The fee is not refunded, forgiven, waived, offset, or reduced by any commission earned or received for any policy or coverage sold.

(4) The amount of the fee, and the consumer's obligation to pay the fee, are not conditioned upon the occurrence of a future event or condition, such as the purchase, cancellation, lapse, declination, or nonrenewal of insurance.

(5) The agent discloses to the consumer that the fee is being charged by the agent and not by the insurance company, that neither state law nor the insurance company requires the agent to charge the fee, and that the fee is not refundable.

(6) The consumer consents to the fee.

(7) The agent, in charging the fee, does not discriminate on the basis of

race, sex, national origin, religion, disability, health status, age, marital status, or geographic location, and does not unfairly discriminate between persons of essentially the same class and of essentially the same hazard or expectation of life.

(B) A fee may not be charged for taking or submitting an initial application for coverage with any one insurer or different programs with the same insurer, or processing a change to an existing policy, a cancellation, a claim, or a renewal, in connection with any of the following personal lines policies:

(1) Private passenger automobile;

(2) Homeowners, including coverage for tenants or condominium owners, owner-occupied fire or dwelling property coverage, personal umbrella liability, or any other personal lines-related coverage whether sold as a separate policy or as an endorsement to another personal lines policy;

(3) Individual life insurance;

(4) Individual sickness or accident insurance;

(5) Disability income policies;

(6) Credit insurance products.

(C) Notwithstanding any other provision of this section, an agent may charge a fee for agent services in connection with a policy issued on a no-commission basis, if the agent provides the consumer with prior disclosure of the fee and of the services to be provided.

(D) In the event of a dispute between an agent and a consumer regarding any disclosure required by this section, the agent has the burden of proving that the disclosure was made.

(E)(1) No person shall fail to comply with this section.

(2) Whoever violates division (E)(1) of this section is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.

(F) This section does not apply with respect to any expense fee charged by a surety bail bond agent to cover the costs incurred by the surety bail bond agent in executing the bail bond.

~~Sec. 3905.86~~ 3905.81. (A) As used in this section:

(1) "Reinsurance intermediary-broker" means a person, other than an officer or employee of the ceding insurer, that solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of such insurer.

(2)(a) "Reinsurance intermediary-manager" means a person that has authority to bind or that manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division,

department, or underwriting office, and that acts as an agent of the reinsurer whether known as a reinsurance intermediary-manager, manager, or similar term.

(b) "Reinsurance intermediary-manager" does not include:

(i) An employee of the reinsurer;

(ii) A United States manager of the United States branch of an alien reinsurer;

(iii) An underwriting manager that, pursuant to contract, manages all of the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to sections 3901.32 to 3901.37 of the Revised Code, and whose compensation is not based on the volume of premiums written;

(iv) The manager of a group, association, pool, or organization of insurers that engages in joint reinsurance and that are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located.

(B) No person shall act as a reinsurance intermediary-broker or reinsurance intermediary-manager in this state, or on behalf of an insurer or reinsurer domiciled in this state, unless the person first obtains a license from the superintendent of insurance in accordance with this section or the superintendent accepts, in accordance with rules that ~~he~~ the superintendent may adopt under division (C) of this section, a license issued to the person by the insurance regulatory authority of another state.

(C) The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards and procedures for licensing reinsurance intermediary-brokers and reinsurance intermediary-managers. The superintendent may also adopt rules, in accordance with Chapter 119. of the Revised Code, for the acceptance of licenses issued by insurance regulatory authorities of other states with statutes similar to this section in lieu of requiring a license to be obtained from the superintendent under division (B) of this section.

(D) The fee for the issuance or renewal of a license shall be five hundred dollars. The fee for accepting the license of another state shall be one hundred dollars each year. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the department of insurance operating fund.

Sec. 3905.83. As used in sections 3905.83 to 3905.95 of the Revised Code:

(A) "Insurer" means any domestic, foreign, or alien insurance company that has been issued a certificate of authority by the superintendent of insurance to transact surety business in this state.

(B) "Managing general agent" means any person that is appointed or employed by an insurer to supervise or otherwise manage the bail bond business written in this state by surety bail bond agents appointed by the insurer.

(C) "Surety" means an insurer that agrees to be responsible for the fulfillment of the obligation of a principal if the principal fails to fulfill that obligation.

Sec. 3905.84. No person shall act in the capacity of a surety bail bond agent, or perform any of the functions, duties, or powers prescribed for surety bail bond agents under sections 3905.83 to 3905.95 of the Revised Code, unless that person is qualified, licensed, and appointed as provided in those sections.

Sec. 3905.841. The following persons or classes of persons shall not act as surety bail bond agents or employees of a surety bail bond agent or bail bond business and shall not directly or indirectly receive any benefits from the execution of a bail bond, except as a principal:

(A) Jailers or other persons employed in a detention facility, as defined in section 2921.01 of the Revised Code;

(B) Peace officers as defined in section 2921.51 of the Revised Code, or other employees of a law enforcement agency;

(C) Committing magistrates, employees of a court, or employees of the clerk of any court;

(D) Attorneys;

(E) Any other persons having the power to arrest, or persons who have authority over or control of, federal, state, county, or municipal corporation prisoners.

Sec. 3905.85. (A) An applicant for a license as a surety bail bond agent shall submit an application for the license in a manner prescribed by the superintendent of insurance. The application shall be accompanied by a one hundred fifty dollar fee and a statement that gives the applicant's name, age, residence, present occupation, occupation for the five years next preceding the date of the application, and such other information as the superintendent may require.

The applicant shall also request a criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code, and direct that the bureau's written response to that request be transmitted to the superintendent of insurance, or to the superintendent's designee, as specified on the form prescribed pursuant to that section. If the superintendent of insurance or the superintendent's designee fails to receive the bureau's response to the

applicant's request for a criminal records check, the superintendent may refuse to issue a license under this section. The applicant shall pay any fee required by the bureau for conducting the criminal records check.

An applicant for a license shall submit to an examination as to the qualifications set forth in division (B) of this section.

(B) The superintendent of insurance shall issue to an applicant a license that states in substance that the person is authorized to do the business of a surety bail bond agent, if the superintendent is satisfied that all of the following apply:

(1) If the applicant is a natural person, the applicant is eighteen years of age or older.

(2) The applicant is a person of high character and integrity.

(3) The applicant has successfully completed the educational requirements set forth in section 3905.48 of the Revised Code.

(C) A surety bail bond agent license issued pursuant to this section authorizes the holder, when appointed by an insurer, to execute or countersign bail bonds in connection with judicial proceedings and to receive money or other things of value for those services. However, the holder shall not execute or deliver a bond during the first one hundred eighty days after the license is initially issued. This restriction does not apply with respect to license renewals.

(D) The superintendent of insurance may suspend or revoke a surety bail bond agent's license as provided in section 3905.482 of the Revised Code, and may suspend, revoke, or refuse to issue or renew such a license as provided in section 3905.49 of the Revised Code.

If the superintendent refuses to issue such a license based in whole or in part upon the bureau's written response to a criminal records check requested pursuant to division (A) of this section, the superintendent shall send a copy of the response that the bureau transmitted to the superintendent or to the superintendent's designee, to the applicant at the applicant's home address upon the applicant's submission of a written request to the superintendent.

(E) Any person licensed as a surety bail bond agent may surrender the person's license in accordance with section 3905.012 of the Revised Code.

(F) Unless revoked or suspended by the superintendent or surrendered by the surety bail bond agent, such a license may, in the discretion of the superintendent and the payment of a one hundred fifty dollar fee, be continued past the last day of February next after its issue and after the last day of February in each succeeding year.

(G) The superintendent of insurance may prescribe the forms to be used

as evidence of the issuance of a license under this section. The superintendent shall require each licensee to acquire, from a source designated by the superintendent, a wallet identification card that includes the licensee's photograph and any other information required by the superintendent. The licensee shall keep the wallet identification card on the licensee's person while engaging in the bail bond business.

(H)(1) The superintendent of insurance shall not issue or renew the license of a corporation, partnership, or limited liability company organized under the laws of this or any other state unless the corporation, partnership, or limited liability company is qualified to do business in this state under the applicable provisions of Title XVII of the Revised Code.

(2) The failure of a corporation, partnership, or limited liability company to be in good standing with the secretary of state or to maintain a valid appointment of statutory agent is grounds for suspending, revoking, or refusing to renew its license.

(3) By applying for a surety bail bond agent license under this section, an individual, corporation, partnership, or limited liability company consents to the jurisdiction of the courts of this state.

(I) A surety bail bond agent licensed pursuant to this section is an officer of the court.

(J) Any fee collected under this section shall be paid into the state treasury to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code.

Sec. 3905.851. A surety bail bond agent qualified, licensed, and appointed in accordance with sections 3905.83 to 3905.95 of the Revised Code shall not be required to pay any licensing fee imposed by a political subdivision of this state to perform any of the functions, duties, or powers prescribed for surety bail bond agents under those sections.

Sec. 3905.86. (A) Any person licensed as a surety bail bond agent may be appointed by an insurer in accordance with this section.

(B) Each insurer shall certify to the superintendent of insurance before the thirtieth day of June each year the names and addresses of the surety bail bond agents for whom it requests appointments or the continuance of appointments. All insurers shall pay to the superintendent a fee of twenty dollars for each such appointment when issued and for each continuance thereafter. Such an appointment, unless canceled by the insurer, may be continued in force past the thirtieth day of June next after its issue and after the thirtieth day of June of each succeeding year provided that the appointee is licensed and is eligible for the appointment.

Any fee collected under this division shall be paid into the state treasury

to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code.

(C)(1) By appointing a surety bail bond agent, an insurer certifies to the superintendent that the person is competent, financially responsible, and suitable to represent the insurer.

(2) An insurer shall be bound by the acts of the person named in the appointment within that person's actual or apparent authority as its agent.

(D) A surety bail bond agent shall not represent to the public that the agent has authority to represent a particular insurer until the insurer has acknowledged that authority by appointment of the agent in accordance with this section.

Sec. 3905.861. An insurer that appoints a surety bail bond agent who is a member of an agency, partnership, corporation, or limited liability company shall require that all other surety bail bond agents who are members of the same agency, partnership, corporation, or limited liability company be appointed to represent that insurer.

Sec. 3905.862. Upon the expiration or cancellation of a surety bail bond agent's appointment, the agent shall not engage or attempt to engage in any activity requiring such an appointment. However, an insurer that cancels the appointment of a surety bail bond agent may authorize the agent to continue to attempt the arrest and surrender of a defendant for whom a bail bond had been written prior to the cancellation and to seek discharge of forfeitures and judgments.

Sec. 3905.87. (A) A surety bail bond agent shall not file a bond in any court of this state unless both of the following conditions are met:

(1) The agent has registered with the clerk of that court. If registration is required by the court.

(2) The agent has registered with the clerk of the court of common pleas of the county in which the agent resides.

(B) To register, a surety bail bond agent shall file, with the clerk of the court, a certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the surety bail bond agent represents. Registration and filing of a certified copy of a renewed power of attorney shall be performed by the first day of August of each odd-numbered year. The clerk of the court shall not accept the registration of a surety bail bond agent unless the surety bail bond agent is currently licensed and appointed in accordance with sections 3905.83 to 3905.95 of the Revised Code.

Sec. 3905.88. (A) Each individual who is issued a license as a surety bail bond agent shall complete, in accordance with section 3905.481 of the Revised Code, at least fourteen hours of continuing education offered in a

course or program of study related to the bail bond business that is approved by the superintendent of insurance in consultation with the insurance agent education advisory council.

(B) The superintendent shall, in accordance with section 3905.482 of the Revised Code, suspend or revoke the license of any surety bail bond agent who fails to meet the requirements of division (A) of this section and has not been granted an extension of time within which to complete the requirements.

(C) The superintendent shall adopt, in accordance with Chapter 119. of the Revised Code, any rule necessary to carry out the superintendent's duties under this section.

Sec. 3905.89. Each person licensed under sections 3905.83 to 3905.95 of the Revised Code shall notify in writing the appropriate insurer or managing general agent, and the clerk of the court of common pleas of the county in which the licensee resides, within thirty days after a change in the licensee's principal business address or telephone number.

This notification requirement is in addition to the notification requirements set forth in section 3905.54 of the Revised Code.

Sec. 3905.90. Each surety bail bond agent shall maintain all records of surety bonds executed or countersigned by the surety bail bond agent for at least three years after the liability of the surety has been terminated. Those records shall be open, at all times, to examination, inspection, and photographic reproduction by any employee or agent of the department of insurance, or by any authorized representative of the insurer or managing general agent. The superintendent of insurance at any time may require the licensee to furnish to the department, in the manner and form that the superintendent requires, any information concerning the surety bond business of the licensee.

Sec. 3905.91. (A) All build-up funds posted by a surety bail bond agent or managing general agent, either with an insurer or managing general agent representing an insurer, shall be maintained in an individual build-up trust account for the surety bail bond agent by the insurer or the managing general agent. The insurer or managing general agent shall establish the account in a federally insured bank or savings and loan association in this state jointly in the name of the surety bail bond agent and the insurer or managing general agent, or in trust for the surety bail bond agent by the insurer or managing general agent. The account shall be open to inspection and examination by the department of insurance at all times. The insurer or managing general agent shall maintain an accounting of all of those funds, which accounting designates the amounts collected on each bond written.

(B) Build-up funds shall not exceed forty per cent of the premium as established by the surety bail bond agent's contract agreement with the insurer or managing general agent. Build-up funds received shall be immediately deposited to the build-up trust account. Interest earned on build-up trust accounts shall accrue to the surety bail bond agent.

(C) Build-up funds are due upon termination of the surety bail bond agent's contract and discharge of liabilities on the bonds for which the build-up funds were posted. The insurer or managing general agent shall pay the funds to the surety bail bond agent not later than six months after the funds are due.

Sec. 3905.92. (A) A surety bail bond agent that accepts collateral security or other indemnity shall comply with all of the following requirements:

(1) The collateral security or other indemnity shall be reasonable in relation to the amount of the bond.

(2) The collateral security or other indemnity shall not be used by the surety bail bond agent for personal benefit or gain and shall be returned in the same condition as received.

(3) Acceptable forms of collateral security or indemnity include cash or its equivalent, a promissory note, an indemnity agreement, a real property mortgage in the name of the surety, and any filing under Chapter 1309. of the Revised Code. If the surety bail bond agent accepts on a bond collateral security in excess of fifty thousand dollars in cash, the cash amount shall be made payable to the surety in the form of a cashier's check, United States postal money order, certificate of deposit, or wire transfer.

(4) The surety bail bond agent shall provide to the person giving the collateral security or other indemnity, a written, numbered receipt that describes in a detailed manner the collateral security or other indemnity received, along with copies of any documents rendered.

(5) The collateral security or other indemnity shall be received and held in the surety's name by the surety bail bond agent in a fiduciary capacity and, prior to any forfeiture of bail, shall be kept separate and apart from any other funds or assets of the surety bail bond agent. However, when collateral security in excess of fifty thousand dollars in cash or its equivalent is received on a bond, the surety bail bond agent promptly shall forward the entire amount to the surety or managing general agent.

(B) Collateral security may be placed in an interest-bearing account in a federally insured bank or savings and loan association in this state, to accrue to the benefit of the person giving the collateral security. The surety bail bond agent, surety, or managing general agent shall not make any pecuniary

gain on the collateral security deposited.

(C)(1) The surety is liable for all collateral security or other indemnity accepted by a surety bail bond agent. If, upon final termination of liability on a bond, the surety bail bond agent or managing general agent fails to return the collateral security to the person that gave it, the surety shall return the actual collateral to that person or, in the event that the surety cannot locate the collateral, shall pay the person in accordance with this section.

(2) A surety's liability as described in division (C)(1) of this section survives the termination of the surety bail bond agent's appointment, with respect to those bonds that were executed by the surety bail bond agent prior to the termination of the appointment.

(D) If a forfeiture occurs, the surety bail bond agent or surety shall give the principal and the person that gave the collateral security ten days' written notice of intent to convert the collateral deposit into cash to satisfy the forfeiture. The notice shall be sent by certified mail, return receipt requested, to the last known address of the principal and the person that gave the collateral.

The surety bail bond agent or surety shall convert the collateral deposit into cash within a reasonable period of time and return that which is in excess of the face value of the bond minus the actual and reasonable expenses of converting the collateral into cash. In no event shall these expenses exceed ten per cent of the face value of the bond. However, upon motion and proof that the actual and reasonable expenses exceed ten per cent, the court may allow recovery of the full amount of the actual and reasonable expenses. If there is a remission of forfeiture that required the surety to pay the bond to the court, the surety shall pay to the person that gave the collateral the value of any collateral received for the bond minus the actual and reasonable expenses permitted to be recovered under this division.

(E) A surety bail bond agent or surety shall not solicit or accept a waiver of any of the provisions of this section, or enter into any agreement as to the value of the collateral.

(F) No person shall fail to comply with this section.

Sec. 3905.921. (A) If collateral security or other indemnity is accepted on a bond, the surety bail bond agent, managing general agent, or surety shall make, upon demand, a written request to the court for a discharge of the bond to be delivered to the surety or the surety's agent.

If the obligation of the surety on the bond is released in writing by the court and a discharge is provided to the surety or the surety's agent, the collateral security or other indemnity, except a promissory note or an

indemnity agreement, shall be returned, within twenty-one days after the discharge is provided, to the person that gave the collateral security or other indemnity, unless another disposition is provided for by legal assignment of the right to receive the collateral to another person. If, despite diligent inquiry by the surety or the surety's agent to determine that the bond has been discharged, the court fails to provide a written discharge within thirty days after the written request was made to the court, the bond shall be considered canceled by operation of law, and the collateral security or other indemnity, except a promissory note or an indemnity agreement, shall be returned, within twenty-one days after the written request for discharge was made to the court, to the person that gave the collateral security or other indemnity.

(B) No fee or other charge, other than those authorized by sections 3905.83 to 3905.95 of the Revised Code or by rule of the superintendent of insurance, shall be deducted from the collateral due. However, allowable expenses incurred in the apprehension of a defendant because of a forfeiture of bond or judgment may be deducted if those expenses are accounted for.

(C)(1) No person shall fail to return collateral security in accordance with this section.

(2) A violation of division (C)(1) of this section shall be punishable as follows:

(a) If the collateral is of a value of less than five hundred dollars, a violation is a misdemeanor of the first degree;

(b) If the collateral is of a value of at least five hundred dollars but less than five thousand dollars, a violation is a felony of the fifth degree;

(c) If the collateral is of a value of at least five thousand dollars but less than ten thousand dollars, a violation is a felony of the fourth degree;

(d) If the collateral is of a value of ten thousand dollars or more, a violation is a felony of the third degree.

Sec. 3905.93. A surety bail bond agent shall not execute a bail bond without doing both of the following:

(A) Charging the premium rate filed with and approved by the superintendent of insurance;

(B) Disclosing the expense fee that will be charged to cover the costs incurred by the agent in executing the bond.

Sec. 3905.931. (A) No insurer, managing general agent, or surety bail bond agent shall furnish to any person any blank form, application, stationery, business card, or other supplies to be used in soliciting, negotiating, or effecting bail bonds unless the person is licensed to act as a surety bail bond agent and is appointed by an insurer. This division does not

prohibit an unlicensed employee, under the direct supervision and control of a licensed and appointed surety bail bond agent, from possessing or executing in the surety bond office, any form, other than a power of attorney, bond form, or collateral receipt, while acting within the scope of the employee's employment.

(B) An insurer that furnishes any of the supplies mentioned in division (A) of this section to any surety bail bond agent or other person not appointed by an insurer and that accepts any bail bond business from or writes any bail bond business for that surety bail bond agent or other person is liable on the bond to the same extent and in the same manner as if the surety bail bond agent or other person had been appointed or authorized by an insurer to act in its behalf.

Sec. 3905.932. A surety bail bond agent or insurer shall not do any of the following:

(A) Suggest or advise the employment of, or name for employment, any particular attorney to represent its principal;

(B) Directly or indirectly solicit business in, or on the property or grounds of, a detention facility, as defined in section 2921.01 of the Revised Code, or in, or on the property or grounds of, any court. For purposes of this division, "solicit" includes the distribution of business cards, print advertising, or any other written information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or potential indemnitor. Permissible print advertising in a detention facility is strictly limited to a listing in a telephone directory and the posting of the surety bail bond agent's name, address, and telephone number in a designated location within the detention facility.

(C) Wear or otherwise display any identification, other than wallet identification card required under division (G) of section 3905.85 of the Revised Code, in or on the property or grounds of a detention facility, as defined in section 2921.01 of the Revised Code, or in or on the property or grounds of any court;

(D) Pay a fee or rebate or give or promise anything of value to a jailer, law enforcement officer, committing magistrate, or other person who has power to arrest or to hold in custody, or to any public official or public employee, in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment of bail;

(E) Pay a fee or rebate or give or promise anything of value to an attorney in a bail bond matter, except in defense of any action on a bond;

(F) Pay a fee or rebate or give or promise anything of value to the principal or to anyone in the principal's behalf;

(G) Participate in the capacity of an attorney at a trial or hearing of a principal;

(H) Accept anything of value from a principal for providing a bail bond, other than the premium filed with and approved by the superintendent of insurance and an expense fee, except that the surety bail bond agent may, in accordance with section 3905.92 of the Revised Code, accept collateral security or other indemnity from a principal or other person together with documentary stamp taxes if applicable. No fees, expenses, or charges of any kind shall be deducted from the collateral held or any return premium due, except as authorized by sections 3905.83 to 3905.95 of the Revised Code or by rule of the superintendent. A surety bail bond agent, upon written agreement with another party, may receive a fee or other compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(I) Execute a bond in this state on the person's own behalf;

(J) Execute a bond in this state if a judgment has been entered on a bond executed by the surety bail bond agent, which judgment has remained unpaid for at least sixty days after all appeals have been exhausted, unless the full amount of the judgment is deposited with the clerk of the court.

Sec. 3905.933. (A) A surety bail bond agent shall not sign or countersign in blank any bond, or give a power of attorney to, or otherwise authorize, anyone to countersign the surety bail bond agent's name to a bond unless the person so authorized is a licensed and appointed surety bail bond agent directly employed by the surety bail bond agent giving that authority.

(B) A surety bail bond agent shall not divide with any other person, or share in, any commissions payable on account of a bail bond, except as between other surety bail bond agents that are licensed or otherwise qualified to engage in the bail bond business in their state of domicile.

Sec. 3905.934. (A) A surety bail bond agent shall not make, publish, or otherwise disseminate, directly or indirectly, any misleading or false advertisement, or engage in any other deceptive trade practice.

(B) All advertising by a surety bail bond agent shall include the address of record of the agent on file with the department of insurance.

Sec. 3905.94. If the superintendent of insurance, in accordance with section 3905.49 of the Revised Code, suspends or revokes a person's license as a surety bail bond agent, the person, during the period of suspension or revocation, shall not be employed by any surety bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business.

Sec. 3905.941. Upon the surrender, suspension, or revocation of a surety

bail bond agent's license, the appointing insurer or managing general agent immediately shall designate a licensed and appointed surety bail bond agent to administer all bail bonds previously written by the licensee.

Sec. 3905.95. The superintendent of insurance shall adopt, in accordance with Chapter 119. of the Revised Code, any rules necessary to implement sections 3905.83 to 3905.95 of the Revised Code.

Sec. 3905.99. (A) Whoever violates sections 3905.181, 3905.21, or 3905.23 of the Revised Code shall be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than six months, or both.

(B) Whoever violates section 3905.31 or 3905.33 of the Revised Code shall be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than one year, or both.

(C) Whoever violates section 3905.37 or 3905.43 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars.

(D) Whoever violates section 3905.01, division (F) of section 3905.92, or division (A) of section 3905.931 of the Revised Code is guilty of a misdemeanor of the first degree.

(E) Whoever violates section 3905.84 of the Revised Code is guilty of a misdemeanor of the first degree on a first or second offense and of a felony of the third degree on each subsequent offense.

SECTION 2. That existing sections 3905.01, 3905.011, 3905.012, 3905.48, 3905.49, 3905.55, 3905.86, and 3905.99 of the Revised Code are hereby repealed.

SECTION 3. Sections 1 and 2 of this act shall take effect six months after the effective date of this act.

SECTION 4. Any person who, on the effective date of this act, is licensed as a property/casualty insurance agent in this state and is actively engaged in the business of posting bail bonds, is not subject to section 3905.841 of the Revised Code, as enacted by this act, and shall not be required to take an examination for licensure as a surety bail bond agent, if the person applies for the license during the six-month period immediately following the effective date of this act.

SECTION 5. It is the intent of the General Assembly that the Superintendent of Insurance take any action necessary to provide for an orderly transition for those persons who, on the effective date of this act, perform the functions, duties, or powers prescribed for surety bail bond agents under this act. Consequently, the Department of Insurance shall accept license applications submitted by such persons beginning on the effective date of this act and shall make every effort possible to act upon such applications within the six-month period immediately following that date.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____