

DRAFT - NOT FOR FILING

3901-1-57 Transaction fees.

(A) Purpose

The purpose of this rule is to establish fees and charges for certain transactions or services ~~required to be~~ performed by the department of insurance.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041, 3901.043, 3901.07, and 3913.37 of the Revised Code.

(C) The following schedule of fees is established for transactions and services performed under the following:

(1) Transactions pursuant to section 3901.321 of the Revised Code:

- (a) Filing of the statement (form A) relating to the change of control or takeover of a domestic insurance company. Twenty-five hundred dollars.
- (b) Filing for an exemption from the requirements of section 3901.321 of the Revised Code. One thousand dollars.

(2) Transactions pursuant to section 3901.341 of the Revised Code:

Filing of any transaction (form D) required by this paragraph. Two hundred fifty dollars.

(3) Transactions pursuant to Chapter 3905. of the Revised Code:

- (a) Filing of a notice of appointment of an agent, including the renewal of an agent at the time of annual renewal. ~~Fifteen~~Ten dollars/per appointment.
- (b) Filing for authority to conduct business as a surplus lines insurer. One thousand dollars/annually.

(4) Transactions pursuant to section 3907.12 of the Revised Code:

Filing for approval of a plan of reinsurance that exceeds the limits set forth in section 3907.12 of the Revised Code, or a plan of assumption reinsurance on policies issued by a domestic insurance company. Fifteen hundred dollars.

(5) Transactions pursuant to sections 3911.011, 3915.14, 3917.06, 3918.07, and 3923.02 of the Revised Code:

Any filing required to be submitted to the superintendent. Fifty dollars per insurer/per filing. Multiple forms relating to a single policy may be filed together for one fifty dollar fee, otherwise, each form filed is considered a separate filing and a fifty dollar fee applies to each.

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(6) Transactions pursuant to sections 3913.01 to 3913.38 of the Revised Code:

- (a) Filing of a plan of conversion of a domestic stock life insurance corporation into a mutual insurance corporation. Twenty-five hundred dollars.
- (b) Filing of a plan of conversion of a domestic mutual life insurance company to a stock life insurance company. Twenty-five hundred dollars.
- (c) Filing of a plan of conversion of a non-life mutual insurance company to a stock non-life insurance company. Twenty-five hundred dollars.
- (d) Filing of a plan of reorganization or merger of a mutual insurance company or mutual insurance holding company. Twenty-five hundred dollars.

(7) Transactions pursuant to section 3913.40 of the Revised Code:

Filing of a plan to transfer the domicile of an insurance company either to or from the state of Ohio. Twenty-five hundred dollars.

(8) Transactions pursuant to section 3935.04 of the Revised Code:

- (a) Any filing required to be submitted to the superintendent. Fifty dollars per insurer/per filing. Multiple forms relating to a single policy may be filed together for one fifty dollar fee, otherwise, each form or policy is considered a separate filing and a fifty dollar fee applies to each.
- (b) Any excess rate filing required to be submitted to the superintendent pursuant to division (G) of section 3935.04 of the Revised Code is exempt from the filing fee.

(9) Transactions pursuant to section 3937.03 of the Revised Code:

- (a) Any filing required to be submitted to the superintendent. Fifty dollars per insurer/per filing. Multiple forms relating to a single policy may be filed together for one fifty dollar fee, otherwise, each form or policy is considered a separate filing and a fifty dollar fee applies to each.
- (b) Any special filing pursuant to division (E) of section 3937.03 of the Revised Code and any excess rate filing pursuant to division (G) of section 3937.03 of the Revised Code that are required to be submitted to the superintendent are exempt from the filing fee.

(D) Whenever another state or jurisdiction charges a greater fee for a transaction listed in this rule to an insurer domiciled in Ohio, then the superintendent may charge that higher fee to the insurer not domiciled in Ohio, who seeks to have the transaction completed in this state.

(E)

- (1) The department will invoice the insurer for the fee charged for the transactions listed in paragraph (C)(3) of this rule.

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- (2) Fees charged for the transactions listed in paragraphs (C)(1), (C)(2), (C)(4), (C)(6) and (C)(7) of this rule shall be submitted with the first documents sent to the department.
- (3) Fees charged for the transactions listed in paragraphs (C)(5), (C)(8) and (C)(9) of this rule shall be paid via the "EFT" functionality built into the "System for Electronic ~~Rate and Form Filings~~Rates and Forms Filing" commonly known as "SERFF".
- (4) All fees collected pursuant to this rule shall be deposited to the credit of the department of insurance operating fund created pursuant to section 3901.021 of the Revised Code.

(F)

- (1) For purposes of this Paragraph, "expenses" has the same meaning as set forth in division (M) of section 3901.07 of the Revised Code.
- (2) Expenses incurred from the conduct of a financial examination authorized by division (B) of section 3901.07 of the Revised Code will be billed directly to the insurer.
 - (a) Such expenses authorized by division (M)(4) of section 3901.07 of the Revised Code are calculated at 0.96 of the amount assessed pursuant to division (M)(1)(a) of section 3901.07 of the Revised Code.
 - (b) Such expenses billed to the insurer are due upon the insurer's receipt of an invoice from the department pursuant to division (L) of section 3901.07 of the Revised Code.
- (3) Expenses incurred pursuant to divisions (M)(1)(b) to (M)(1)(f) and (M)(4) of section 3901.07 of the Revised Code apart from the conduct of a financial examination authorized by division (B) of section 3901.07 of the Revised Code are assessed annually to the insurer.
 - (a) Such expenses for each domestic insurer are established pursuant to the following schedule, provided that the total amount due from an insurance holding company system with more than one domestic insurer is not to exceed one hundred twenty-five thousand dollars in the aggregate:

<u>Annual Countrywide Direct Premiums Written</u>	<u>Total Amount Due</u>
<u>\$100,000,000 or Greater</u>	<u>\$29,000</u>
<u>\$50,000,000 to \$99,999,999</u>	<u>\$19,000</u>
<u>\$25,000,000 to \$49,999,999</u>	<u>\$16,000</u>
<u>\$10,000,000 to \$24,999,999</u>	<u>\$13,000</u>
<u>\$5,000,000 to \$9,999,999</u>	<u>\$6,000</u>
<u>\$500,000 to \$4,999,999</u>	<u>\$1,600</u>

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Less Than \$500,000	\$500
<p>(b) Such expenses billed to the insurer are due upon the insurer's receipt of an invoice from the department.</p>	

(F) (G) Severability

~~If any paragraph, term or provision of this rule is adjudged invalid for any reason, the 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. If any portion of this rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or related rules which can be given effect without the invalid portion or application, and to this end the provisions of this rule are severable.~~