

(2) A PERSON IN WHICH ANY INTEREST IS OWNED OR CONTROLLED BY THE VIATICAL SETTLEMENT BROKER

~~(1) PAY A FEE, COMMISSION, OR OTHER COMPENSATION TO ANOTHER VIATICAL SETTLEMENT BROKER WITHOUT DISCLOSING THE FEE, COMMISSION, OR OTHER COMPENSATION TO THE VIATOR AND OBTAINING THE VIATOR'S PRIOR WRITTEN CONSENT TO THE PAYMENT; OR~~

~~(2) PURCHASE, DIRECTLY OR INDIRECTLY, A POLICY THAT IS THE SUBJECT OF A VIATICAL SETTLEMENT BROKERAGE RELATIONSHIP BETWEEN THE VIATICAL SETTLEMENT BROKER AND A VIATOR.~~

~~(D) (C) (1) A VIATICAL SETTLEMENT BROKER SHALL SUBMIT TO THE VIATOR ALL WRITTEN OFFERS, COUNTER-OFFERS, ACCEPTANCES, AND REJECTIONS RELATING TO THE PLACEMENT OF THE VIATOR'S POLICY WITHIN 48 72 HOURS AFTER RECEIPT BY THE VIATICAL SETTLEMENT BROKER.~~

(D) (1) A VIATICAL SETTLEMENT BROKER SHALL PROVIDE TO THE VIATOR A WRITTEN DISCLOSURE OF THE AMOUNT AND METHOD OF CALCULATING THE VIATICAL SETTLEMENT BROKER'S COMPENSATION, INCLUDING ANYTHING OF VALUE RECEIVED BY A VIATICAL SETTLEMENT BROKER FOR THE PLACEMENT OF A POLICY.

(2) A VIATICAL SETTLEMENT BROKER SHALL PROVIDE THE DISCLOSURE REQUIRED UNDER THIS SUBSECTION NO LATER THAN 72 HOURS BEFORE THE VIATICAL SETTLEMENT CONTRACT IS SIGNED BY ALL PARTIES TO THE CONTRACT.

~~(2) AFTER A VIATICAL SETTLEMENT CONTRACT IS SIGNED BY A VIATOR AND A VIATICAL SETTLEMENT PROVIDER, A VIATICAL SETTLEMENT BROKER MAY NOT SOLICIT OTHER OFFERS FOR THE VIATOR'S POLICY.~~

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(c) (1) Disclosure to a viator also shall include distribution of a brochure that describes the process of viatical settlements AND CONTAINS A DESCRIPTION OF THE STATUTORY FIDUCIARY DUTY OF A VIATICAL SETTLEMENT BROKER TO A VIATOR.

(2) The National Association of Insurance Commissioners form for the brochure shall be used unless a brochure is:

(i) developed by the Commissioner; or

(ii) developed by a viatical settlement broker or viatical settlement provider and approved by the Commissioner.

(f) (3) The disclosures required under this subsection shall provide the following information:

(i) a statement of the affiliation, if any, between the viatical settlement broker, viatical settlement provider, and the insurer that issued the policy to be viaticated;