

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 421

**REPRESENTATIVES G. Smith, Husted, Seitz, Flowers, Willamowski, Collier,
Schaffer, Jolivette, Krupinski, Ogg**

A B I L L

To amend sections 3905.45 and 3905.451 of the Revised 1
Code relative to insurance policies that are 2
issued, sold, or assigned for the purpose of 3
purchasing funeral or burial goods or services. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3905.45 and 3905.451 of the Revised 5
Code be amended to read as follows: 6

Sec. 3905.45. ~~No insurer engaged in the business of providing~~ 7
(A) If an insurance policy has been issued, sold, or assigned for 8
the payment purpose of purchasing any funeral or burial goods or 9
services, the insurer shall not pay the benefits of the insurance 10
policy, including the cash surrender value, to any funeral 11
director or funeral home, licensed under Chapter 4717. of the 12
Revised Code provider of such goods or services, unless the 13
insurer, as a condition to paying the benefits of the insurance 14
policy, ~~is provided by~~ receives from the funeral director or 15
funeral home ~~with provider~~ a certified copy of the certificate of 16
death of the insured, or other evidence of death satisfactory to 17
the insurer, and a certificate of completion. The certificate of 18
completion shall be signed by the ~~funeral director,~~ provider and 19

shall certify that the ~~funeral director or funeral home~~ provider 20
has ~~provided~~ delivered all the goods and performed all the 21
services contracted for, by, or on behalf of the insured. 22

(B) A provider of funeral or burial goods or services shall 23
not pledge, assign, transfer, borrow from, or otherwise encumber 24
an insurance policy described in division (A) of this section 25
prior to delivering all the goods and performing all the services 26
contracted for, by, or on behalf of the insured. However, a 27
provider may assign or otherwise transfer such a policy to another 28
provider of funeral or burial goods or services in conjunction 29
with the assumption by the other provider of the contractual 30
obligation to provide the goods or services. 31

Sec. 3905.451. ~~The sale of a~~ A life insurance policy that is 32
issued, sold, or assigned for the benefits purpose of which are 33
~~payable to the provider of purchasing~~ funeral or burial goods or 34
services ~~as payment for these, and the contractual obligation to~~ 35
provide the goods or services is, ~~are not the sale of a preneed~~ 36
~~funeral contract as defined in~~ subject to section 1111.19 of the 37
Revised Code. 38

Section 2. That existing sections 3905.45 and 3905.451 of the 39
Revised Code are hereby repealed. 40