**Section 3701.60 General Rules**

a) Payment of the proceeds of a viatical settlement pursuant to Section 45(2)(j) of the Act shall be by means of wire transfer to an account designated by the viator or by certified check or cashier's check.

b) Payment of the proceeds to the viator pursuant to a viatical settlement shall be made in a lump sum. Retention of a portion of the proceeds not disclosed or described in the viatical settlement contract by the viatical settlement provider or escrow agent is not permissible.

c) A viatical settlement provider or viatical settlement broker shall not pay or offer to pay any finder's fee, commission or other compensation to any insured's physician, or to an attorney, accountant or other person providing medical, legal or financial planning services to the viator, or to any other person acting as an agent of the viator, other than a viatical settlement broker, with respect to the viatical settlement.

d) A viatical settlement provider (or viatical settlement investment agent) shall not knowingly solicit purchasers who have treated or have been asked to treat the illness of the viator whose coverage would be the subject of the investment.

e) If a viatical settlement provider enters into a viatical settlement contract that allows the viator to retain an interest in the policy, the viatical settlement contract shall contain the following provisions:

1) A provision that the viatical settlement contract will effect the transfer of the amount of the death benefit to the extent or portion of the amount viaticated. Benefits in excess of the amount viaticated shall be paid directly to the viator's beneficiary by the insurance company;

2) A provision that the viatical settlement provider will, upon acknowledgment of the perfection of the transfer, either:

A) Advise the insured, in writing, that the insurance company has confirmed the viator's interest in the policy; or

B) Send a copy of the instrument sent from the insurance company to the viatical settlement provider that acknowledges the viator's interest in the policy; and

3) A provision that apportions the premiums to be paid by the viatical settlement provider and the viator, provided that the contract provides premium payment terms and nonforfeiture options no less favorable, on a proportional basis, than those included in the policy.

(Source: Added at 39 Ill. Reg. 4975, effective March 23, 2015)