

By: Representative Stevens

To: Insurance

HOUSE BILL NO. 47
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 83-21-15, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT THAT NONRESIDENT AGENTS MUST UTILIZE THE
3 SERVICES OF A RESIDENT AGENT IN SOLICITING, NEGOTIATING OR
4 EFFECTING INSURANCE POLICIES IN THIS STATE; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 83-21-15, Mississippi Code of 1972, is
8 amended as follows:

9 83-21-15. (1) Whenever the existing or future laws of any
10 other state of the United States, the District of Columbia or any
11 province of the Dominion of Canada shall require the licensing of
12 a resident of this state as a nonresident agent or broker, then in
13 every such case where the resident agents of such state, District
14 of Columbia or any province of the Dominion of Canada desire to
15 broker business to resident agents of this state, they shall be
16 required to pay the same license fee and otherwise qualify under
17 the conditions imposed by the law of such state upon residents of
18 this state.

19 (2) This section shall be enforced by the Commissioner of
20 Insurance of the State of Mississippi, who shall collect and pay
21 into the Treasury of the state all license fees, fines or
22 penalties required by this statute as other funds and taxes
23 collected by him.

24 (3) The Commissioner of Insurance may, upon written
25 application in such form as the commissioner may prescribe, duly
26 sworn to, and on the payment of the proper license fee as required
27 in subsection (1) of this section, issue a nonresident agent's

28 license to an individual who meets all other qualifications of
29 Mississippi insurance laws, but who is not a resident of this
30 state, if, by the laws of the state of his residence, residents of
31 this state may be licensed in such manner as nonresident agents of
32 his state.

33 (4) In addition to other qualifications therefor, no such
34 nonresident agent's license shall be issued to any individual who
35 has any direct or indirect pecuniary interest in any insurance
36 agent, agency or solicitor licensed as a resident of this state.
37 Nor shall any such license be issued to any individual who does
38 not hold an agent's license issued by the state or province of his
39 residence.

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41 (5) Before the issuance of any such nonresident agent's
42 license, the applicant therefor shall appoint the Commissioner of
43 Insurance as his attorney to receive service of legal process
44 which may be issued against the nonresident agent in this state,
45 upon causes of action arising within this state out of
46 transactions under his license. All such nonresident agents
47 shall, in the discretion of the Commissioner of Insurance, be
48 subject to the insurance laws and regulations of the State of
49 Mississippi applying to licensed agents of this state engaged in
50 the transaction of the same kind or class of insurance.

51 (6) The license shall expire on June 1 following the date of
52 issue. However, the commissioner may at any time after the
53 granting of the license, for cause shown and after a hearing,
54 determine that the holder of such license has not complied with
55 the requirements of this section or with the insurance laws of
56 this state, or that the holder of the license is not a suitable
57 person to act as a nonresident agent, and shall thereupon revoke
58 the license of such nonresident agent.

59 (7) A resident agent of this state may divide commissions
60 with a duly licensed nonresident agent in accordance with the
61 laws, rules and regulations of Mississippi relating to brokerage
62 business.

63 (8) Nothing contained herein shall be construed to permit an
64 applicant licensed solely as a broker in the state of his

65 residence to be granted a nonresident agent's license; and nothing
66 contained herein shall be construed to permit the holder of a
67 nonresident agent's license to act as an agent under the
68 provisions of Sections 83-21-17 to 83-21-31, to perform any of the
69 acts permitted thereunder.

70 (9) This section is hereby declared to be cumulative and
71 supplemental to all other valid statutes relating to insurance.

72 SECTION 2. This act shall take effect and be in force from
73 and after July 1, 1999.