

By: Kirby

To: Insurance

SENATE BILL NO. 2122

1 AN ACT TO CREATE THE MISSISSIPPI CREDITOR-PLACED INSURANCE
2 ACT; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE TIME WHEN
3 CREDITOR-PLACED INSURANCE SHALL BECOME EFFECTIVE OR IS TERMINATED;
4 TO PROVIDE FOR THE METHOD BY WHICH PREMIUMS FOR CREDITOR-PLACED
5 INSURANCE COVERAGE MAY BE CALCULATED; TO PROVIDE THAT
6 CREDITOR-PLACED INSURANCE SHALL BE SET FORTH IN AN INDIVIDUAL
7 POLICY OR CERTIFICATE OF INSURANCE; TO REQUIRE ALL POLICY FORMS
8 AND CERTIFICATES OF CREDITOR-PLACED INSURANCE DELIVERED IN THIS
9 STATE TO BE FILED WITH THE COMMISSIONER OF INSURANCE; TO PROVIDE
10 THAT THE ENTIRE AMOUNT OF THE PREMIUM DUE FROM A CREDITOR SHALL BE
11 REMITTED TO THE INSURER OR ITS PRODUCER IN ACCORDANCE WITH THE
12 INSURER'S REQUIREMENTS; TO PROVIDE THAT A CREDITOR SHALL NOT
13 IMPOSE CHARGES ON A DEBTOR FOR CREDITOR-PLACED INSURANCE COVERAGE
14 UNLESS ADEQUATE DISCLOSURE OF THE REQUIREMENT TO MAINTAIN
15 INSURANCE HAS BEEN MADE TO THE DEBTOR; TO AUTHORIZE THE
16 COMMISSIONER OF INSURANCE TO CONDUCT INVESTIGATIONS OF INSURERS
17 AND PRODUCERS; TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO
18 PROMULGATE RULES AND REGULATIONS; AND FOR RELATED PURPOSES.

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

20 SECTION 1. The purposes of this act are to:

21 (a) Promote the public welfare by regulating
22 creditor-placed insurance;

23 (b) Create a legal framework within which
24 creditor-placed insurance may be written in this state;

25 (c) Help maintain the separation between creditors and
26 insurers; and

27 (d) Minimize the possibilities of unfair competitive
28 practices in the sale of creditor-placed insurance.

29 SECTION 2. (1) This act applies to an insurer or producer

30 transacting creditor-placed insurance as defined in this act.

31 (2) All creditor-placed insurance written in connection with
32 credit transactions for personal, family or household purposes is
33 subject to the provisions of this act, except:

34 (a) Transactions involving extensions of credit
35 primarily for business or commercial purposes;

36 (b) Insurance on collateralized real property;

37 (c) Insurance offered by the creditor and elected by
38 the debtor at the debtor's option;

39 (d) Insurance for which no specific charge is made to
40 the debtor or the debtor's account; or

41 (e) Blanket insurance, whether paid for by the debtor
42 or the creditor.

43 (3) Nothing in this act shall be construed to create or
44 imply a private cause of action for violation of this act, and the
45 commissioner shall have authority to bring administrative or
46 judicial proceedings to enforce this act.

47 SECTION 3. As used in this act, unless the context otherwise
48 requires:

49 (a) "Actual cash value (ACV)" means the cost of
50 replacing damaged or destroyed property with comparable new
51 property, minus depreciation and obsolescence.

52 (b) "Blanket insurance" means insurance that provides
53 coverage on collateral as defined in a policy issued to a
54 creditor, without specifically listing the collateral covered.

55 (c) "Collateral" means personal property that is
56 pledged as security for the satisfaction of a debt.

57 (d) "Credit agreement" means the written document that
58 sets forth the terms of the credit transaction and includes the
59 security agreement.

60 (e) "Credit transaction" means a transaction by the

61 terms of which the repayment of money loaned or credit commitment
62 made, or payment of goods, services or properties sold or leased,
63 is to be made at a future date or dates.

64 (f) "Creditor" means the lender of money or vendor or
65 lessor of goods, services, property, rights or privileges for
66 which payment is arranged through a credit transaction, or any
67 successor to the right, title or interest of a lender, vendor or
68 lessor.

69 (g) "Creditor-placed insurance" means insurance that is
70 purchased unilaterally by the creditor, who is the named insured,
71 subsequent to the date of the credit transaction, providing
72 coverage against loss, expense or damage to collateralized
73 personal property as a result of fire, theft, collision or other
74 risks of loss that would either impair a creditor's interest or
75 adversely affect the value of collateral covered by limited dual
76 interest insurance. It is purchased according to the terms of the
77 credit agreement as a result of the debtor's failure to provide
78 required physical damage insurance, with the cost of the coverage
79 being charged to the debtor. It shall be either single interest
80 insurance or limited dual interest insurance.

81 (h) "Debtor" means the borrower of money or a purchaser
82 or lessee of goods, services, property, rights or privileges, for
83 which payment is arranged through a credit transaction.

84 (i) "Insurance tracking" means monitoring evidence of
85 insurance on collateralized credit transactions to determine
86 whether insurance required by the credit agreement has lapsed, and
87 communicating with debtors concerning the status of insurance
88 coverage.

89 (j) "Insurer" means an insurance company, association
90 or exchange authorized to issue insurance policies in the State of
91 Mississippi.

92 (k) "Lapse" means that the insurance coverage required
93 by the credit agreement is not in force.

94 (l) "Limited dual interest insurance" means insurance
95 purchased by the creditor to insure its interest in the collateral
96 securing the debtor's credit transaction. This insurance waives
97 the three (3) conditions for loss payment under single interest
98 insurance and extends coverage on the collateral while in the
99 possession of the debtor.

100 (m) "Loss ratio" means the ratio of incurred losses to
101 earned premium.

102 (n) "Net debt" means the amount necessary to liquidate
103 the remaining debt in a single lump-sum payment, excluding all
104 unearned interest and other unearned charges.

105 (o) "Producer" means a person who receives a commission
106 for insurance placed or written or who, on behalf of an insurer or
107 creditor, solicits, negotiates, effects, procures, delivers,
108 renews, continues or binds policies of insurance to which this act
109 applies, except a regular salaried officer, employee or other
110 representative of an insurer who devotes substantially all working
111 time to activities other than those specified here and who
112 receives no compensation that is directly dependent on the amount
113 of insurance business written, and except a regular salaried
114 officer or employee of a creditor who receives no compensation
115 that is directly dependent on the amount of insurance effected or
116 procured.

117 (p) "Single interest insurance" means insurance
118 purchased by the creditor to insure its interest in the collateral
119 securing a debtor's credit transaction. Three (3) conditions must
120 be met for payment of loss under the policy:

121 (i) The debtor has defaulted in payment;

122 (ii) The creditor has legally repossessed the
123 collateral, unless collateral has been stolen from the debtor; and

124 (iii) The creditor has suffered an impairment of
125 interest.

126 (q) "Commissioner" means the Commissioner of Insurance.

127 SECTION 4. (1) Creditor-placed insurance shall become
128 effective on the latest of the following dates:

129 (a) The date of the credit transaction;

130 (b) The date prior coverage, including prior
131 creditor-placed insurance coverage lapsed;

132 (c) One (1) year before the date on which the related
133 insurance charge is made to the debtor's account; or

134 (d) A later date provided for in the agreement between
135 the creditor and insurer.

136 (2) Creditor-placed insurance shall terminate on the
137 earliest of the following dates:

138 (a) The date other acceptable insurance becomes
139 effective, subject to the debtor providing acceptable evidence of
140 the other insurance to the creditor;

141 (b) The date the collateralized personal property is
142 repossessed, unless the property is returned to the debtor within
143 ten (10) days of the repossession. The creditor placed insurance
144 may be kept in force, but the lender must pay the premium that is

145 earned after repossession;

146 (c) The date the collateralized personal property is
147 determined by the insurer to be a total loss;

148 (d) The date the debt is completely extinguished; or

149 (e) An earlier date specified in the individual policy
150 or certificate of insurance.

151 (3) An insurance charge shall not be made to a debtor for a
152 term longer than the scheduled term of the creditor-placed
153 insurance when it becomes effective, nor may an insurance charge
154 be made to the debtor for creditor-placed insurance before the
155 effective date of the insurance.

156 (4) If a charge is made to a debtor for creditor-placed
157 insurance coverage that exceeds a term of one year, the debtor
158 shall be notified at least annually that the insurance will be
159 canceled and a refund or credit of unearned charges made if
160 evidence of acceptable insurance secured by the debtor is
161 provided.

162 SECTION 5. (1) Premiums for creditor-placed insurance
163 coverage may be calculated based on:

164 (a) An amount not exceeding the net debt even though
165 the coverage may limit the insurer's liability to the net debt,
166 actual cash value or cost of repair; or

167 (b) Other premium calculation methods that more closely
168 reflect the exposure of each item insured and approximate the
169 premium calculation method of the coverage required by the credit
170 agreement.

171 (2) An insurer shall not write creditor-placed insurance for
172 which the premium rate differs from that determined by the

173 schedules of the insurer on file with the commissioner. The
174 premium or amount charged to the debtor for creditor-placed
175 insurance shall not exceed the premiums charged by the insurer,
176 computed at the time the charge to the debtor is determined.

177 (3) A method of billing insurance charges to the debtor on
178 closed-end credit transactions that creates a balloon payment at
179 the end of the credit transaction or extends the credit
180 transaction's maturity date is prohibited, unless disclosed at the
181 time of the billing for the insurance charges.

182 SECTION 6. (1) Creditor-placed insurance coverage shall not
183 include:

184 (a) Coverage for the cost of repossession;

185 (b) Skip, confiscation and conversion coverage;

186 (c) Coverage for payment of mechanics' or other liens
187 that do not arise from a covered loss occurrence;

188 (d) Coverage that requires a debtor's insurance
189 deductible to be less than Two Hundred Dollars (\$200.00); or

190 (e) Coverage that is broader than the insurance
191 coverages that meet the minimum insurance requirements of the
192 credit agreement.

193 (2) Nothing in this section shall be deemed to prohibit the
194 issuance of a separate policy or endorsement providing the
195 coverages listed in subsection (1) of this section. However, no
196 charge shall be passed along to the debtor for the coverages.

197 SECTION 7. Creditor-placed insurance shall be set forth in
198 an individual policy or certificate of insurance. A copy of the
199 individual policy, certificate of insurance coverage, or other
200 evidence of insurance coverage shall be mailed, first class mail,

201 or delivered in person to the last known address of the debtor.

202 SECTION 8. (1) All policy forms and certificates of
203 creditor-placed insurance to be delivered or issued for delivery
204 in this state and the schedules of premium rates pertaining
205 thereto shall be filed with the Commissioner of Insurance.

206 (2) The commissioner shall within thirty (30) days after the
207 filing of the policy forms and certificates of insurance
208 disapprove a form that does not conform to this act or to other
209 applicable provisions of the insurance statutes and regulations
210 and shall, within thirty (30) days of filing, disapprove a
211 schedule of premium rates pertaining to the form if it does not
212 conform to the standard set forth in subsection (5).

213 (3) If the commissioner disapproves a form or schedule of
214 premium rates in accordance with subsection (2), the commissioner
215 shall promptly notify the insurer in writing of the disapproval,
216 and it shall be unlawful for the insurer to issue or use the form
217 or schedule. In the notice, the commissioner shall specify the
218 reasons for disapproval and state that a hearing will be granted
219 within thirty (30) days after receipt of request in writing by the
220 insurer.

221 (4) Unless the commissioner disapproves the form or schedule
222 of premium rates in accordance with subsections (2) and (3) or
223 gives written approval of the form or schedule within thirty (30)
224 days after the filing, the form or schedule shall be deemed
225 approved on the thirty-first day after the filing.

226 (5) The schedules of premium rates shall not be excessive,
227 inadequate or unfairly discriminatory. In determining whether a
228 schedule of premium rates are excessive, inadequate or unfairly

229 discriminatory, the commissioner shall take into account past and
230 prospective loss experience, general and administrative expenses,
231 loss settlement and adjustment expenses, reasonable creditor
232 compensation and other acquisition costs including insurance
233 tracking costs, reserves, taxes, licenses, fees and assessments,
234 reasonable insurer profit and other relevant data. Rates are not
235 unfairly discriminatory because different premiums result for
236 different policyholders, including group policyholders, with
237 similar loss exposures but different expense factors or similar
238 expense factors but different loss exposures, nor are rates
239 unfairly discriminatory if they are averaged broadly among all
240 persons insured in this state or all persons insured under a group
241 insurance policy.

242 (6) The commissioner may withdraw approval of an approved
243 form or schedule of premium rates when the commissioner would be
244 required to disapprove the form or schedule of premium rates if it
245 were filed at the time of the withdrawal. The withdrawal shall be
246 in writing and shall specify the reasons for withdrawal and the
247 effective date of the withdrawal. An insurer adversely affected
248 by a withdrawal may, within thirty (30) days after receiving the
249 written notification of the withdrawal, request in writing a
250 hearing, to determine whether the withdrawal should be annulled,
251 modified or confirmed. Unless the commissioner grants an
252 extension in writing in the withdrawal or subsequently grants an
253 extension, the withdrawal shall, in the absence of a request for
254 hearing, become effective, prospectively and not retroactively, on
255 the ninety-first day following delivery of the notice of
256 withdrawal and, if the request for hearing is filed, on the

257 ninety-first day following delivery of written notice of the
258 commissioner's determination.

259 (7) Forms and rates filed and approved in accordance with
260 this section shall be deemed to be in compliance in all respects
261 with the laws of this state.

262 SECTION 9. (1) Within sixty (60) calendar days after the
263 termination of creditor-placed insurance coverage, and in
264 accordance with the formulas approved by the commissioner, an
265 insurer shall refund any unearned premium or other identifiable
266 charges.

267 (2) Within sixty (60) calendar days after the termination
268 date of creditor-placed insurance coverage, the insurer shall
269 provide to the debtor a statement of refund disclosing the
270 effective date, the termination date, the amount of premium being
271 refunded and the amount of premium charged for the coverage
272 provided. No statement shall be required in the event that the
273 policy terminates pursuant to subsection (2) (d) of Section 4 of
274 this act.

275 (3) The entire amount of premiums, minimum premiums, fees or
276 charges of any kind shall be refunded if no coverage was provided.

277 SECTION 10. (1) In the event of a loss under the
278 creditor-placed insurance policy, the insurer shall pay, at a
279 minimum, the least of the following, the value of which shall be
280 determined as of the date of loss:

281 (a) The cost to repair the collateral less any
282 applicable deductible;

283 (b) The actual cash value of the collateral less any
284 applicable deductible;

285 (c) The net debt, less any applicable deductible; or

286 (d) If single interest insurance is provided, the
287 amount by which the creditor's interest is impaired.

288 (2) The net debt or actual cash value amounts in subsection
289 (1) may be reduced by the value of salvage if the insurer does not
290 take possession of the insured property.

291 (3) In the event of a loss, no subrogation shall run against
292 the debtor from the insurer.

293 (4) Whenever a claim is made on a creditor-placed insurance
294 policy, the insurer shall furnish to the creditor a written
295 statement of the loss explaining the settlement amount and the
296 method of settlement, and the creditor shall furnish this
297 information to the claimant.

298 (5) A creditor or insurer may not abandon salvage to a
299 towing or storage facility in lieu of payment of storage fees
300 without the consent of the facility and the claimant. The insurer
301 shall be responsible for the payment of towing and storage charges
302 for a covered loss occurrence from the time the claim is reported
303 to the insurer in accordance with the terms of the policy to the
304 time the claim is paid.

305 SECTION 11. (1) In order for the creditor to place
306 insurance on the collateral pledged by the debtor and pass the
307 cost of the insurance on to the debtor:

308 (a) The creditor must have a security interest in the
309 personal property;

310 (b) The credit agreement must require the debtor to
311 maintain insurance on the collateral to protect the creditor's
312 interest;

313 (c) The credit agreement must authorize the creditor to
314 place the insurance if the debtor fails to provide evidence of the
315 insurance; and

316 (d) The information set forth in (a) through (c) of
317 this subsection (1) must be clearly disclosed to the debtor at the
318 inception of the credit transaction.

319 (2) The debtor shall always have the right to provide
320 required insurance through existing policies of insurance owned or
321 controlled by the debtor or of procuring and furnishing the
322 required coverage through an insurer authorized to transact
323 insurance within this state. However, a creditor may establish
324 maximum acceptable deductibles, insurer solidity standards and
325 other reasonable conditions with respect to the required
326 insurance.

327 SECTION 12. (1) The entire amount of the premium due from a
328 creditor shall be remitted to the insurer or its producer in
329 accordance with the insurer's requirements. No commissions may be
330 paid to, or retained by, a person or entity except a licensed and
331 appointed insurance producer.

332 (2) The retention by the creditor of unearned premiums upon
333 cancellation of the insurance without crediting to the debtor's
334 account the amount of unearned insurance charges is prohibited.

335 (3) Rebates to the creditor of a portion of the premium
336 charged to the debtor are prohibited as are other inducements
337 provided to the creditor by an insurer or producer. The listing
338 of the following activities as prohibited rebates or inducements
339 is not intended to be restrictive, and the commissioner may
340 identify an activity as prohibited by rule, regulation or order:

341 (a) Allowing insurers or producers to purchase
342 certificates of deposit from the creditor or to maintain accounts
343 with the creditor at less than the market interest rates and
344 charges that the creditor applies to other customers for deposit
345 accounts of similar amounts and duration; and

346 (b) Paying a commission to a person, including a
347 creditor, who is not appropriately licensed as a producer in this
348 state.

349 (4) Prohibited rebates or inducements do not include:

350 (a) The providing of insurance tracking and other
351 services incidental to the creditor-placed insurance program;

352 (b) The paying of commissions and other compensation to
353 a duly licensed and appointed insurance producer, whether or not
354 affiliated with the creditor;

355 (c) The paying to the creditor policyholder of group
356 experience rated refunds or policy dividends; and

357 (d) The paying to the creditor of amounts intended to
358 reimburse the creditor for its expenses incurred incidental to the
359 creditor-placed insurance program (such as costs of data
360 processing, mail processing, telephone service, insurance
361 tracking, billing, collections and related activities); provided
362 that these payments are calculated in a manner that does not
363 exceed an amount reasonably estimated to equal the expenses
364 incurred by the creditor. Such payments to creditors are not
365 considered compensation for placing the insurance.

366 (5) An insurer that pays commissions to creditor-affiliated
367 producers for creditor-placed insurance that are greater than
368 twenty percent (20%) of the net written premium shall be required

369 to demonstrate the commissions are not unreasonably high in
370 relation to the value of the services rendered.

371 (6) Nothing contained in this section shall prohibit or
372 restrict an insurer or producer from maintaining a demand, premium
373 deposit or other account or accounts with a creditor for which the
374 insurer or agent provides insurance if the accounts pay the market
375 interest rate and charges that the creditor applies to other
376 customers for deposit accounts of similar amounts and duration.

377 SECTION 13. (1) A creditor shall not impose charges,
378 including premium costs and related interest and finance charges,
379 on a debtor for creditor-placed insurance coverage unless adequate
380 disclosure of the requirement to maintain insurance has been made
381 to the debtor. Adequate disclosure is accomplished if the
382 following occurs:

383 (a) The credit agreement sets forth the requirement
384 that the debtor must maintain insurance on the collateral as
385 provided for in Section 11 of this act;

386 (b) The creditor makes reasonable efforts to notify the
387 debtor of the requirement to maintain insurance and allows a
388 reasonable time for compliance with this requirement;

389 (c) A final notice as required by this act is sent to
390 the debtor; and

391 (d) If creditor-placed insurance coverage is issued, a
392 copy of the policy or certificate is sent to the debtor as
393 provided for in Section 7 of this act.

394 (2) After adequate disclosure of the request to maintain
395 insurance has been made to the debtor as required by this section,
396 a creditor may proceed to impose charges for creditor-placed

397 insurance if the debtor fails to provide evidence of insurance. A
398 creditor may impose charges no earlier than ten (10) calendar days
399 after sending the final notice.

400 (3) Reasonable efforts to notify the debtor are accomplished
401 if:

402 (a) The creditor mails a notice by first-class mail to
403 the debtor's last known address as contained in the creditor's
404 records, stating that the creditor intends to charge the debtor
405 for creditor-placed insurance coverage on the collateral if the
406 debtor fails to provide evidence of the property insurance to the
407 creditor;

408 (b) The creditor allows the debtor at least twenty (20)
409 calendar days to respond to the notice and provide evidence of
410 acceptable insurance coverage before sending a final notice; and

411 (c) The creditor sends a final notice in compliance
412 with this section by first-class mail to the debtor's last known
413 address as contained in the creditor's records at least ten (10)
414 calendar days before the cost of insurance is charged to the
415 debtor by the creditor. Proof of the mailing of the final notice
416 shall be retained for at least three (3) years following the
417 expiration or termination of the coverage or as otherwise required
418 by law.

419 (4) The initial notice shall be in a form determined by the
420 creditor to remind the debtor of the requirement to maintain
421 insurance on the collateral. The final notice shall be as
422 complete as the following notice, printed in not less than twelve
423 (12) point type, and modified where necessary to fit the nature of
424 the credit transaction:

425 "FINAL NOTICE

426 Your credit agreement with us requires you to have
427 property insurance on the collateral until you pay off
428 your loan. You have not given us proof you have
429 insurance on the property. You can ask your insurance
430 company or agent to give us proof of insurance or you
431 can send us proof you have property insurance within ten
432 (10) calendar days after the date this letter was
433 postmarked. If you do not, we will charge you for the
434 insurance we buy.

435 You must pay for the property insurance we buy. It
436 may cost more than insurance you can buy on your own.
437 The premium of the insurance we buy may be added to your
438 loan balance and we may charge you interest on it.

439 The insurance we buy will pay claims to us (the
440 creditor) for physical damage to your property. It will
441 not pay any claims made against you (and it may not pay
442 you for any claims you make [delete if limited dual
443 interest coverage]). The insurance we buy will not give
444 you any liability insurance coverage and will not meet
445 the requirements of a state's financial responsibility
446 law.

447 We may receive compensation for placing this
448 insurance, which is included in the cost of coverage
449 charged to you [delete if inapplicable].

450 The property coverage we buy will start on the date
451 shown in the policy or certificate, which may go back to
452 the date of the loan or the date your prior coverage

453 stopped. We will cancel the insurance we bought for you
454 and give you a refund or credit of unearned charges if
455 you give us proof you have bought property insurance
456 somewhere else or if you have paid off the loan."

457 (5) All creditor-placed insurance shall be set forth in an
458 individual policy or certificate of insurance. Not earlier than
459 the sending of the final notice nor fifteen (15) days after a
460 charge is made to the debtor for creditor-placed insurance
461 coverage, the creditor shall cause a copy of the individual
462 policy, certificate or other evidence of insurance coverage
463 evidencing the creditor-placed insurance coverage to be sent,
464 first-class mail, to the debtor's last known address.

465 (6) A creditor's compliance with or failure to comply with
466 this act shall not be construed to require the creditor to
467 purchase insurance coverage on the collateral, and the creditor
468 shall not be liable to the debtor or a third party as a result of
469 its failure to purchase the insurance.

470 SECTION 14. (1) The commissioner may conduct investigations
471 and/or examinations of insurers and producers to ensure compliance
472 with the provisions of the act or any rule, regulation or order
473 hereunder.

474 (2) The commissioner may by order, deny, suspend or revoke
475 an insurer's certificate of authority or a producer's license if
476 the commissioner finds that such insurer or producer has violated
477 any provision of the act.

478 (3) If the commissioner has reason to believe that any
479 person or entity is engaging in any activity that would be a
480 violation of this part or any rule promulgated under this part,

481 the commissioner may issue an order directing that person or
482 entity to cease and desist from committing the violations, impose
483 a civil penalty for the violations, provide an equitable remedy
484 for past violations, or any combination of these. Such order may
485 be issued without prior notice if the commissioner makes a finding
486 that such order is necessary for the protection of policyholders
487 and that the public health, safety, and welfare require the order
488 to be issued without prior notice to affected parties. At any
489 hearing or other proceeding conducted as a result of an order to
490 cease and desist, pursuant to this part, the person or entity
491 subject to the order shall be required to show cause why such
492 order should be annulled, modified or confirmed.

493 (4) Whenever it appears to the commissioner that any person
494 or entity has engaged or is about to engage in an act of practice
495 constituting a violation of any provision of this act or any rule,
496 regulation or order hereunder, the commissioner may, in the
497 commissioner's discretion, bring an action in chancery court of
498 any county in this state to enjoin the acts or practices and to
499 enforce compliance with this act or any rule, regulation or order
500 hereunder. Upon a proper showing, a permanent or temporary
501 injunction, restraining order, writ of mandamus, disgorgement, or
502 other proper equitable relief shall be granted.

503 (5) Additionally, upon a finding that any person or entity
504 has violated a provision of this act, the commissioner may impose
505 a civil penalty of not more than One Thousand Dollars (\$1,000.00)
506 for each violation, and may revoke suspend or decline to renew any
507 license of such person or entity to sell or issue insurance.

508 (6) Any person aggrieved by a final order of the

509 commissioner under this act may obtain judicial review of the
510 order in the Circuit Court of Hinds County by filing, within
511 thirty (30) days of the issuance and service of such order, a
512 written petition or complaint praying that said order be modified
513 or set aside. A copy of such petition shall be served upon the
514 commissioner, and the commissioner shall file a transcript of the
515 complete record of the proceedings with said court, which shall
516 then have jurisdiction of the proceedings and questions determined
517 therein.

518 SECTION 15. The commissioner is authorized after notice and
519 hearing to promulgate rules and regulations to effectuate the
520 purposes of this act. The commissioner may require such
521 information as is reasonably necessary for the enforcement of this
522 act. All rules and regulations adopted and promulgated pursuant
523 to this act shall be subject to the Mississippi Administrative
524 Procedures Law, Section 25-43-1, et seq.

525 SECTION 16. If any provision of this act or the application
526 thereof to any person or circumstance is held invalid, such
527 invalidity shall not affect other provisions or applications of
528 the act which can be given effect without the invalid provision or
529 application, and to that end the provisions of this act are
530 declared to be severable.

531 SECTION 17. This act shall take effect and be in force from
532 and after July 1, 2000.