

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2107

1 AN ACT TO AMEND SECTION 83-5-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL SERVE AS ATTORNEY
3 FOR ALL INSURANCE COMPANIES FOR PURPOSES OF LEGAL PROCESS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-5-11, Mississippi Code of 1972, is
7 amended as follows:

8 83-5-11. When legal process is served upon the commissioner
9 as attorney for an insurance company, he shall forthwith notify
10 the company of such service by letter prepaid and directed to its
11 secretary or, in the case of a foreign country, to its resident
12 manager, if any, in the United States, and shall, within two (2)
13 days after such service, forward in the same manner a copy of the
14 process served on him to the secretary or manager or to such
15 person as may have been previously designated by the company by
16 written notice filed in the office of the commissioner. The
17 failure of the commissioner to notify the company shall not affect
18 the validity of such service but shall subject him to liability on
19 his bond for such damages as the company shall suffer thereby. As
20 a condition of a valid and effectual service and of the duty of
21 the commissioner in the premises, the plaintiff in such process
22 shall pay to the commissioner at the time of service thereof the
23 sum of Twenty-five Dollars (\$25.00), which the plaintiff shall
24 recover as taxable costs if he prevails in his suit. The
25 commissioner shall keep a record of all such proceedings that
26 shall show the day and hour of service.

27 **SECTION 2.** This act shall take effect and be in force from
28 and after July 1, 2002.

