HOUSE BILL NO. 271

AN ACT TO AMEND SECTION 83-5-253, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PROVISIONS OF ANY INSURANCE POLICY UPON THE LIFE OF ANOTHER WHICH PROVIDES FOR BENEFITS TO BE PAYABLE UNDER THE POLICY TO SOMEONE OTHER THAN THE INSURED'S ESTATE, PERSONAL REPRESENTATIVES, DESIGNATED BENEFICIARIES OR HEIRS SHALL BE VOID AND OF NO EFFECT UNTIL THE INSURED GIVES HIS OR HER WRITTEN CONSENT TO SUCH PROVISIONS AND, IN THE ABSENCE OF THE INSURED'S CONSENT, THE POLICY BENEFITS SHALL BE DEEMED TO BE PAYABLE TO THE INSURED'S ESTATE OR LEGAL REPRESENTATIVE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 83-5-253, Mississippi Code of 1972, is amended as follows:

83-5-253. (1) No life or health insurance contract upon an individual, except a contract of group life insurance or annuity or of group health insurance, or replacement contracts, shall be made or effectuated, unless at the time of the making of the contract the insured, applies therefor or has consented thereto in writing or has had the application acknowledged in writing by the insurance company, except that any person having an insurable interest in the life of a minor or any person upon whom a minor is dependent for support and maintenance may effectuate insurance upon the life of or pertaining to such minor.

(2) Notwithstanding that a person who procures or attempts to procure an insurance policy upon the life of another may have an insurable interest in the life of the insured under Section 83-5-251, and notwithstanding any other provisions of this section, an insurance company shall not issue to any person an insurance policy upon the life of another which provides for benefits to be payable under the policy to someone other than the insured's estate, personal representatives, designated
beneficiaries or heirs unless the insured gives his or her consent, in writing, to the insurance company. The provisions of any policy which provide for payment of benefits to someone other than as provided for in this subsection shall be void and of no effect until the insured gives his or her written consent to such provisions and, in the absence of the insured's consent, the policy benefits shall be deemed to be payable to the insured's estate or legal representative notwithstanding any provisions of the policy to the contrary. The consent required under this subsection may be given by the insured, by the insured's personal representative or by any other person authorized by law to act for and on behalf of the insured, including a parent or person in loco parentis if the insured is a minor.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.