To: Insurance

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

By: Senator(s) Kirby

SENATE BILL NO. 2254

AN ACT TO AMEND SECTION 83-30-69, MISSISSIPPI CODE OF 1972, TO REVISE THE METHOD AND FEE FOR SERVICE OF PROCESS UPON LARGER FRATERNAL BENEFIT SOCIETIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 83-30-69, Mississippi Code of 1972, is amended as follows:

83-30-69. (1) Every society authorized to do business in this state shall appoint in writing the commissioner and each successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it shall be served, and shall agree in such writing that any lawful process against it which is served on such attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment, certified by the commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

(2) Service shall only be made upon the commissioner, or if absent, upon the person in charge of his or her office. It shall be made in duplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the commissioner, he shall forthwith forward the duplicate copy by certified mail, prepaid, directed to the secretary or corresponding officer. No such service shall require a society to file its answer, pleading or defense in less than thirty (30)
28 days from the date of mailing the copy of the service to a
29 society. Legal process shall not be served upon a society except
30 in the manner herein provided.
31 (3) At the time of serving any process upon the
32 commissioner, the plaintiff or complainant in the action shall pay
33 to the commissioner a fee of Twenty-five Dollars ($25.00).
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35 SECTION 2. This act shall take effect and be in force from
36 and after July 1, 2003.