

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2265

1 AN ACT TO AMEND SECTION 83-5-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A CERTAIN FEE SHALL BE CHARGED TO AN INSURANCE
3 COMPANY AT THE TIME OF SERVICE OF PROCESS UPON THE COMMISSIONER OF
4 INSURANCE ON BEHALF OF THAT INSURANCE COMPANY; AND FOR RELATED
5 PURPOSES.

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

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

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



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

