

By: Representative Compretta

To: Insurance

HOUSE BILL NO. 643

1 AN ACT TO PROVIDE THAT NO ACCIDENT OR HEALTH INSURANCE POLICY
2 SHALL BE ISSUED UNTIL THE FORM AND RATES ARE FILED WITH THE
3 COMMISSIONER OF INSURANCE FOR APPROVAL; TO AUTHORIZE THE
4 COMMISSIONER OF INSURANCE TO DISAPPROVE THE FORM IF THE RATES ARE
5 UNREASONABLE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) No policy of insurance against loss or
8 expense from sickness or from the bodily injury or death by
9 accident of the insured shall be issued or delivered to any person
10 in this state nor shall any application, rider or endorsement be
11 used in connection therewith until a copy of the form and of the
12 classification of risks and the premium rates or, in the case of
13 cooperatives or assessment companies, the estimated cost
14 pertaining thereto have been filed with the Commissioner of
15 Insurance.

16 (2) No policy shall be issued, nor shall any application,
17 rider or endorsement be used in connection therewith, until the
18 expiration of thirty (30) days after it has been so filed, unless
19 the commissioner shall sooner give written approval.

20 (3) The commissioner may, within thirty (30) days after the
21 filing of a form, disapprove the form if the benefits provided are
22 unreasonable in relation to the premium charged, or if it contains
23 a provision or provisions which are unjust, unfair, inequitable,
24 misleading, deceptive or encourage misrepresentation of the
25 policy. If the commissioner notifies the insurer that has filed
26 any such form that it does not comply with the provisions of this
27 section, it shall be unlawful for the insurer to issue the form or
28 use it in connection with a policy. In the notice the

29 commissioner shall specify the reasons for disapproval and state
30 that a hearing shall be granted within twenty (20) days after
31 request in writing by the insurer.

32 (4) The commissioner may at any time, after a hearing of
33 which not less than twenty (20) days' written notice shall have
34 been given to the insurer, withdraw approval of a form on any of
35 the grounds stated in this section. It shall be unlawful for the
36 insurer to issue the form or use it in connection with a policy
37 after the effective date of withdrawal of approval. The notice of
38 a hearing called under this subsection shall specify the matters
39 to be considered at the hearing and any decision affirming
40 disapproval or directing withdrawal of approval under this section
41 shall be in writing and shall specify the reasons therefor.

42 (5) An order or decision of the commissioner under this
43 section shall be subject to review by appeal to the Circuit Court
44 of the First Judicial District of Hinds County, Mississippi, at
45 the instance of any party in interest. In the case of disapproval
46 or withdrawal of approval of a form previously in use, the court
47 shall determine whether the filing of the appeal shall operate as
48 a stay of any such order or decision. The court may in disposing
49 of the issue before it, modify, affirm or reverse the order or
50 decision of the commissioner in whole or in part.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after July 1, 2004.