

By: Senator(s) Turner

To: Insurance

SENATE BILL NO. 2797

1 AN ACT TO AMEND SECTION 83-5-3, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT INSURANCE COMPANIES ARE SUBJECT TO THE MISSISSIPPI
3 ANTI-TRUST LAWS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 83-5-3, Mississippi Code of 1972, is
6 amended as follows:

7 83-5-3. (1) (a) Every insurance company, foreign or
8 domestic, that qualifies to do business in the State of
9 Mississippi shall be required to execute an agreement to be bound
10 by the statute laws of the State of Mississippi pertaining to the
11 periods of limitation prescribed by the statute law of this state.

12 (b) The business of insurance shall be subject to the
13 laws of Mississippi applicable to any other business, including,
14 but not limited to, Title 75, Chapter 21, entitled Trusts and
15 Combines in Restraint or Hindrance of Trade.

16 (c) Nothing in this section shall be construed to
17 prohibit:

18 (i) Any agreement to collect, compile and
19 disseminate historical data on paid claims or reserves for
20 reported claims, provided such data is contemporaneously
21 transmitted to the commissioner;

22 (ii) Participation in any joint arrangement
23 established by statute or the commissioner to assure availability
24 of insurance;

25 (iii) Any agent or broker, representing one or
26 more insurers, from obtaining from any insurer it represents

27 information relative to the premium for any policy or risk to be
28 underwritten by that insurer;

29 (iv) Any agent or broker from disclosing to an
30 insurer it represents any quoted rate or charge offered by another
31 insurer represented by that agent or broker for the purpose of
32 negotiating a lower rate, charge, or term from the insurer to whom
33 the disclosure is made; or

34 (v) Any agents, brokers or insurers from utilizing
35 or participating with multiple insurers or reinsurers
36 for underwriting a single risk or group of risks.

37 (2) The insurance commissioner is hereby required, as a
38 condition precedent to authorizing any insurance company to
39 qualify and operate under the laws of this state or to do business
40 in this state, to require said companies to execute an agreement
41 binding said company to conform to and to be bound and regulated
42 by the statute laws of this jurisdiction as defined in the first
43 paragraph.

44 (3) For purposes of the administration of this section,
45 insurance companies shall consist of all types of insurance
46 companies, both domestic and foreign, that operate in this
47 jurisdiction, including stock companies, mutuals, and fraternal
48 societies and organizations when such fraternal society or
49 organization engages in the insuring of its members or other
50 persons.

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