

By: Representative Chism

To: Insurance

HOUSE BILL NO. 79

1 AN ACT TO AMEND SECTION 83-34-4, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER ON THE SECTION OF LAW PRESCRIBING THE  
3 NONADMITTED POLICY FEE FOR SURPLUS LINES INSURANCE; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-34-4, Mississippi Code of 1972, is  
7 amended as follows:

8 83-34-4. (1) Nonadmitted insurers shall not be assessable  
9 insurers of the association. All surplus lines insurance  
10 producers placing insurance through nonadmitted insurers shall  
11 collect from the insured and remit to the association a  
12 nonadmitted policy fee on all premiums for all insurance written  
13 by such surplus lines insurance producer for a policy from a  
14 nonadmitted insurer for any and all risks in this state, except  
15 that policies or portions thereof that cover residential  
16 earthquake risks or residential flood risks that are not written  
17 through the National Flood Insurance Program shall be exempt from  
18 the nonadmitted policy fee. By procuring or selling insurance on  
19 property in this state from a nonadmitted insurer, each surplus



20 lines insurance producer placing insurance through a nonadmitted  
21 insurer agrees to be bound by the provisions of this chapter and  
22 to collect and remit the nonadmitted policy fee provided for  
23 herein.

24 (2) The nonadmitted policy fee shall be a percentage of the  
25 total policy premium but the nonadmitted policy fee shall not be  
26 considered premium and is not subject to premium taxes or  
27 commissions. However, failure to pay the nonadmitted policy fee  
28 shall be treated the same as failure to pay premium. "Total  
29 policy premium" includes taxes and commissions.

30 (3) The nonadmitted policy fee percentage shall be three  
31 percent (3%).

32 (4) Within twenty (20) days of the end of the quarter,  
33 surplus lines insurance producers placing insurance through  
34 nonadmitted insurers shall remit directly to the association all  
35 nonadmitted policy fees collected in the preceding quarter. In  
36 addition to the nonadmitted policy fee provided for herein,  
37 surplus lines insurance producers placing insurance through  
38 nonadmitted insurers shall collect and remit surcharges as  
39 provided by this chapter. Surplus lines insurance producers  
40 placing insurance through nonadmitted insurers may designate  
41 another surplus lines insurance producer that actually procured  
42 the insurance from the nonadmitted carrier to collect and remit  
43 the nonadmitted policy fees.



44 (5) Each insured in this state who directly procures or  
45 renews insurance with a nonadmitted insurer on properties, risks  
46 or exposures located or to be performed, in whole or in part, in  
47 this state, other than insurance procured through a surplus lines  
48 licensee, shall be subject to the nonadmitted policy fee which  
49 shall be paid by the insured according to the procedures provided  
50 for premium taxes in Section 83-21-17(5).

51 (6) Monies derived from the nonadmitted policy fee collected  
52 under this section may be used by the association, in addition to  
53 any uses provided for in Section 83-34-3(4), for education, public  
54 outreach, training of building officials and other programs  
55 targeted to reduce the number of policies within the association.

56 (7) This section shall stand repealed from and after July  
57 1, \* \* \* 2022.

58 **SECTION 2.** This act shall take effect and be in force from  
59 and after July 1, 2018.

