

By: Representative Banks

To: Insurance; Judiciary A

HOUSE BILL NO. 617

1 AN ACT TO AUTHORIZE A FUNERAL SERVICES PROVIDER TO OBTAIN
2 CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) Any person licensed to practice funeral
6 directing or any employee of a licensed funeral establishment
7 providing funeral service for a deceased person insured or
8 believed to be insured under a contract of life insurance or under
9 a group life insurance policy may request information regarding
10 the deceased person's life insurance contracts by providing an
11 insurer with (a) a copy of a notification of death, (b) written
12 authorization from the person or persons with legal authority to
13 direct disposition of the deceased's body, and (c) in the case of
14 a person covered or believed to be covered under a group life
15 insurance policy, the affiliation of the deceased entitling them
16 to coverage under the group life insurance policy.

17 (2) As soon as possible after receipt of the request made in
18 accordance with subsection (1) of this section, the life insurance



19 company shall inform the person authorized by this section to make
20 an inquiry of the following:

21 (a) The existence of any contract insuring the life of
22 the deceased person.

23 (b) Any beneficiaries on record under any life
24 insurance contract insuring the life of the deceased person.

25 (c) The amount of any liens or loans outstanding on the
26 policy.

27 (d) The amount of benefits payable to the
28 beneficiaries.

29 (e) Whether the policy has been reinstated within the
30 last twenty-four (24) months. The insurer shall provide a claim
31 form to any person or assignee making the request.

32 (3) If any person making a written request under subsection
33 (1) of this section who has provided all the information required
34 by subsection (1) of this section does not receive a timely
35 response from the insurer, then the person may refer the request
36 to the Office of Consumer Protection of the Attorney General,
37 which shall treat the referral as a consumer complaint. The
38 referral shall include all the information provided to the insurer
39 under subsection (1) of this section as well as copies of all
40 communications and information received from the insurer regarding
41 the request for information.

42 (4) If the beneficiary of record under the life insurance
43 contract or group life insurance policy is not the estate of the



44 deceased, then any person authorized to request information under
45 subsection (1) of this section shall make reasonable efforts to
46 locate the beneficiaries within one hundred (100) hours of
47 receiving information from the insurance carrier regarding any
48 life insurance contracts or group life insurance policies and
49 shall provide to all beneficiaries all documents and information
50 obtained from the insurance carrier. The person obtaining the
51 information also shall inform all beneficiaries in writing in bold
52 print that "THE BENEFICIARY OF A LIFE INSURANCE POLICY HAS NO
53 LEGAL DUTY OR OBLIGATION TO SPEND ANY OF THAT MONEY ON THE
54 FUNERAL, DEBTS, OR OBLIGATIONS OF THE DECEASED" and shall do so
55 before discussing with the beneficiaries financial arrangements
56 for burial of the deceased.

57 (5) Any licensee or employee of a licensed funeral
58 establishment who makes a false request for information under this
59 section or fails to do that required by subsection (3) of this
60 section shall be deemed to have committed unprofessional conduct
61 in the practice of funeral service or funeral directing as defined
62 in Section 73-11-57(1)(p) and unfit to practice funeral service or
63 be a funeral director.

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

