

By: Representative Bennett

To: Insurance

HOUSE BILL NO. 1046

1 AN ACT TO BRING FORWARD SECTION 71-3-79, MISSISSIPPI CODE OF
2 1972, WHICH GOVERNS ESTOPPEL TO DENY INSURANCE CLAIMS IN THE
3 WORKERS' COMPENSATION ACT, FOR PURPOSES OF POSSIBLE AMENDMENT; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 71-3-79, Mississippi Code of 1972, is
7 brought forward as follows:

8 71-3-79. Acceptance of a premium on a policy securing to an
9 employee compensation, either alone or in connection with other
10 insurance, shall estop the carrier so accepting from pleading that
11 the employment of such employee is not covered under this chapter
12 or that the employment is not carried on for pecuniary gain.

13 When any member of a partnership, firm, or association who
14 does or does not perform manual labor, and where there is coverage
15 of fellow employees, elects to take coverage under the provisions
16 of this chapter, the intent of the insured as well as acceptance
17 by the carrier shall be shown by endorsement to the policy. Any
18 such affirmative action by the parties shall entitle said members
19 or officers to the benefits enjoyed by an employee under this



20 chapter. Every executive officer elected or appointed and
21 empowered in accordance with a charter and bylaws of a
22 corporation, other than nonprofit charitable, fraternal, cultural,
23 or religious corporations or associations, shall be an employee of
24 such corporation under this chapter, provided that said executive
25 officer may reject said coverage by giving notice in writing to
26 the carrier of this election not to be covered as an employee.

27 Any such executive officer of a nonprofit charitable,
28 fraternal, cultural, or religious corporation or association may,
29 notwithstanding any other provision of this chapter, be brought
30 within the coverage of its insurance contract by any such
31 corporation or association by specifically including such
32 executive officer in such contract of insurance. The election to
33 bring such executive officer within the coverage shall continue
34 for the period such contract of insurance is in effect, and during
35 such period such executive officers thus brought within the
36 coverage of the insurance contract shall be employees of such
37 corporation or association under this chapter.

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

