

By: Representative Mangold

To: Judiciary A

HOUSE BILL NO. 1098

1 AN ACT TO AMEND SECTION 91-29-23, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT THE REVOCATION OF AN EX-SPOUSE AS A BENEFICIARY
3 SHALL APPLY TO ALL DESIGNATIONS MADE BY OR ON BEHALF OF A DECEDENT
4 ON OR AFTER JULY 1, 2020; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 91-29-23, Mississippi Code of 1972, is
7 amended as follows:

8 91-29-23. **Pre-decree designation of ex-spouse as beneficiary**
9 **of life insurance.** (a) If a decree of divorce or annulment is
10 rendered after an insured has designated the insured's spouse as a
11 beneficiary under a life insurance policy in force at the time of
12 rendition, a provision in the policy in favor of the insured's
13 former spouse is not effective unless:

14 (1) The decree designates the insured's former spouse
15 as the beneficiary;

16 (2) The insured redesignates the former spouse as the
17 beneficiary after rendition of the decree; or



18 (3) The former spouse is designated to receive the
19 proceeds in trust for, on behalf of, or for the benefit of a child
20 or a dependent of either former spouse.

21 (b) If a designation is not effective under subsection (a),
22 the proceeds of the policy are payable to the named alternative
23 beneficiary or, if there is not a named alternative beneficiary,
24 to the estate of the insured.

25 (c) An insurer who pays the proceeds of a life insurance
26 policy issued by the insurer to the beneficiary under a
27 designation that is not effective under subsection (a) is liable
28 for payment of the proceeds to the person or estate provided by
29 subsection (b) only if:

30 (1) Before payment of the proceeds to the designated
31 beneficiary, the insurer receives written notice at the home
32 office of the insurer from an interested person that the
33 designation is not effective under subsection (a); and

34 (2) The insurer has not interpleaded the proceeds into
35 the registry of a court of competent jurisdiction in accordance
36 with the Mississippi Rules of Civil Procedure.

37 (d) This section shall apply to all designations made by or
38 on behalf of a decedent who died on or after July 1, 2020.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after its passage.

