

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2382

1 AN ACT TO CREATE NEW SECTION 73-3-38, MISSISSIPPI CODE OF
2 1972, TO REQUIRE OUT-OF-STATE ATTORNEYS ADVERTISING ON TELEVISION
3 TO DISCLOSE IF THEY ARE NOT LICENSED TO PRACTICE LAW IN
4 MISSISSIPPI; TO AMEND SECTION 75-24-5, MISSISSIPPI CODE OF 1972,
5 TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 73-3-38, Mississippi Code of 1972:

9 73-3-38. (1) If a lawyer, attorney at law, or counselor at
10 law of another state is not licensed to practice law in
11 Mississippi, a television advertisement of the person's legal
12 services in any language must include in the advertisement the
13 following: "NOT LICENSED TO PRACTICE LAW IN MISSISSIPPI."

14 (2) (a) The notice must be of conspicuous size and duration
15 in the visual component of an advertisement; the audio portion of
16 an advertisement must plainly include substantially the same
17 message. The notice must be in the languages used in the
18 advertisement.



19 (b) In lieu of the disclaimer required in paragraph (a)
20 of this subsection, the advertiser may conspicuously state in both
21 the visual and audio components of the advertisement that the
22 person is licensed only in the specific states in which the person
23 is licensed to practice law.

24 (3) Failure to comply with the provisions of this section
25 constitutes an unfair or deceptive act under Section 75-24-5.

26 **SECTION 2.** Section 75-24-5, Mississippi Code of 1972, is
27 amended as follows:

28 75-24-5. (1) Unfair methods of competition affecting
29 commerce and unfair or deceptive trade practices in or affecting
30 commerce are prohibited. Action may be brought under Section
31 75-24-5(1) only under the provisions of Section 75-24-9.

32 (2) Without limiting the scope of subsection (1) of this
33 section, the following unfair methods of competition and unfair or
34 deceptive trade practices or acts in the conduct of any trade or
35 commerce are hereby prohibited:

36 (a) Passing off goods or services as those of another;

37 (b) Misrepresentation of the source, sponsorship,
38 approval, or certification of goods or services;

39 (c) Misrepresentation of affiliation, connection, or
40 association with, or certification by another;

41 (d) Misrepresentation of designations of geographic
42 origin in connection with goods or services;



43 (e) Representing that goods or services have
44 sponsorship, approval, characteristics, ingredients, uses,
45 benefits, or quantities that they do not have or that a person has
46 a sponsorship, approval, status, affiliation, or connection that
47 he does not have;

48 (f) Representing that goods are original or new if they
49 are reconditioned, reclaimed, used, or secondhand;

50 (g) Representing that goods or services are of a
51 particular standard, quality, or grade, or that goods are of a
52 particular style or model, if they are of another;

53 (h) Disparaging the goods, services, or business of
54 another by false or misleading representation of fact;

55 (i) Advertising goods or services with intent not to
56 sell them as advertised;

57 (j) Advertising goods or services with intent not to
58 supply reasonably expectable public demand, unless the
59 advertisement discloses a limitation of quantity;

60 (k) Misrepresentations of fact concerning the reasons
61 for, existence of, or amounts of price reductions;

62 (l) Advertising by or on behalf of any licensed or
63 regulated health care professional which does not specifically
64 describe the license or qualifications of the licensed or
65 regulated health care professional;

66 (m) Charging an increased premium for reinstating a
67 motor vehicle insurance policy that was cancelled or suspended by



68 the insured solely for the reason that he was transferred out of
69 this state while serving in the United States Armed Forces or on
70 active duty in the National Guard or United States Armed Forces
71 Reserve. It is also an unfair practice for an insurer to charge
72 an increased premium for a new motor vehicle insurance policy if
73 the applicant for coverage or his covered dependents were
74 previously insured with a different insurer and canceled that
75 policy solely for the reason that he was transferred out of this
76 state while serving in the United States Armed Forces or on active
77 duty in the National Guard or United States Armed Forces Reserve.
78 For purposes of determining premiums, an insurer shall consider
79 such persons as having maintained continuous coverage. The
80 provisions of this paragraph (m) shall apply only to such
81 instances when the insured does not drive the vehicle during the
82 period of cancellation or suspension of his policy * * *;

83 (n) Failure of an out-of-state attorney to comply with
84 the notice provisions of Section 73-3-38.

85 **SECTION 3.** This act shall take effect and be in force from
86 and after July 1, 2023.

