

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2382
(As Sent to Governor)

1 AN ACT TO CREATE NEW SECTION 73-3-38, MISSISSIPPI CODE OF
2 1972, TO REQUIRE OUT-OF-STATE ATTORNEYS WHO ARE NOT LICENSED TO
3 PRACTICE LAW IN MISSISSIPPI AND WHO APPEAR IN CERTAIN
4 ADVERTISEMENTS OFFERING THE PERFORMANCE OF LEGAL SERVICES WITHIN
5 THE STATE OF MISSISSIPPI TO MAKE CERTAIN DISCLOSURES; TO AMEND
6 SECTION 75-24-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE
7 BILL NO. 1157, 2023 REGULAR SESSION, TO CONFORM; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 73-3-38, Mississippi Code of 1972:

12 73-3-38. (1) If a lawyer, attorney at law, or counselor at
13 law of another state is not licensed to practice law in
14 Mississippi, a television or billboard advertisement of the
15 person's legal services in any language must include in the
16 advertisement the following: "THE PERSON APPEARING IN THIS AD IS
17 NOT LICENSED TO PRACTICE LAW IN MISSISSIPPI."

18 (2) (a) The notice must be of conspicuous size and duration
19 in the visual component of an advertisement; the audio portion of
20 an advertisement must plainly include substantially the same



21 message. The notice must be in the languages used in the
22 advertisement.

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

28 (3) A violation of this section shall be subject to the
29 rights and remedies as provided for by Title 75, Chapter 24,
30 Mississippi Code of 1972.

31 **SECTION 2.** Section 75-24-5, Mississippi Code of 1972, as
32 amended by House Bill No. 1157, 2023 Regular Session, is amended
33 as follows:

34 75-24-5. (1) Unfair methods of competition affecting
35 commerce and unfair or deceptive trade practices in or affecting
36 commerce are prohibited. Action may be brought under Section
37 75-24-5(1) only under the provisions of Section 75-24-9.

38 (2) Without limiting the scope of subsection (1) of this
39 section, the following unfair methods of competition and unfair or
40 deceptive trade practices or acts in the conduct of any trade or
41 commerce are hereby prohibited:

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

43 (b) Misrepresentation of the source, sponsorship,
44 approval, or certification of goods or services;



45 (c) Misrepresentation of affiliation, connection, or
46 association with, or certification by another;

47 (d) Misrepresentation of designations of geographic
48 origin in connection with goods or services;

49 (e) Representing that goods or services have
50 sponsorship, approval, characteristics, ingredients, uses,
51 benefits, or quantities that they do not have or that a person has
52 a sponsorship, approval, status, affiliation, or connection that
53 he does not have;

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

56 (g) Representing that goods or services are of a
57 particular standard, quality, or grade, or that goods are of a
58 particular style or model, if they are of another;

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

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

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

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

68 (l) Advertising by or on behalf of any licensed or
69 regulated health care professional which does not specifically



70 describe the license or qualifications of the licensed or
71 regulated health care professional;

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

89 (n) Violating the provisions of Section 75-24-8; and

90 (o) Violating the provisions of Section 73-3-38.

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

