

By: Senator(s) Seymour

To: Insurance

SENATE BILL NO. 2760

1 AN ACT TO PROVIDE THAT FOR ANY INSURANCE POLICY THAT FALLS
 2 WITHIN THE JURISDICTION OF THE STATE INSURANCE DEPARTMENT UNDER
 3 TITLE 83, MISSISSIPPI CODE OF 1972, WHEN AN INSURER CANCELS A
 4 POLICY FOR NONPAYMENT OF PREMIUMS BUT THE INSURER MAILED A NOTICE
 5 OF CANCELLATION FOR NONPAYMENT OF PREMIUMS TO A DIFFERENT ADDRESS
 6 THAN THE ADDRESS SHOWN IN THE POLICY RESULTING IN THE NAMED
 7 INSURED FAILING TO RECEIVE PROPER NOTICE FROM THE INSURER, THE
 8 INSURED SHALL HAVE THE OPPORTUNITY TO PAY THE PAST-DUE PREMIUMS
 9 FOR THE POLICY; TO PROVIDE THAT IF THE INSURED PAYS THE PAST-DUE
 10 PREMIUMS ON THE POLICY, THE POLICY SHALL BE REINSTATED, AND THE
 11 ORIGINAL TERMS OF THE POLICY SHALL BE BINDING; TO AMEND SECTION
 12 83-11-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF
 13 THE ACT; TO BRING FORWARD SECTION 83-11-9, MISSISSIPPI CODE OF
 14 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 15 PURPOSES.

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

17 **SECTION 1.** (1) For any insurance policy that falls within
 18 the jurisdiction of the State Insurance Department under Title 83,
 19 Mississippi Code of 1972, no notice of cancellation of a policy
 20 shall be effective unless mailed or delivered by the insurer to
 21 the named insured and to any named creditor loss payee, as
 22 applicable, at least thirty (30) days prior to the effective date
 23 of cancellation; provided, however, that where cancellation is for
 24 nonpayment of premium at least ten (10) days' notice of



25 cancellation accompanied by the reason therefor shall be given.
26 Unless the reason accompanies or is included in the notice of
27 cancellation, the notice of cancellation shall state or be
28 accompanied by a statement that upon written request of the named
29 insured, mailed or delivered to the insurer not less than fifteen
30 (15) days prior to the effective date of cancellation, the insurer
31 will specify the reason for such cancellation.

32 (2) When an insurer cancels a policy for nonpayment of
33 premiums but the insurer mailed a notice of cancellation for
34 nonpayment of premiums to a different address than the address
35 shown in the policy resulting in the named insured failing to
36 receive proper notice from the insurer, the insured shall have the
37 opportunity to pay the past-due premiums for the policy. If the
38 insured pays the past-due premiums on the policy, the policy shall
39 be reinstated, and the original terms of the policy shall be
40 binding.

41 **SECTION 2.** Section 83-11-5, Mississippi Code of 1972, is
42 amended as follows:

43 83-11-5. (1) No notice of cancellation of a policy to which
44 Section 83-11-3 applies shall be effective unless mailed or
45 delivered by the insurer to the named insured and to any named
46 creditor loss payee at least thirty (30) days prior to the
47 effective date of cancellation; provided, however, that where
48 cancellation is for nonpayment of premium at least ten (10) days'
49 notice of cancellation accompanied by the reason therefor shall be



50 given. Unless the reason accompanies or is included in the notice
51 of cancellation, the notice of cancellation shall state or be
52 accompanied by a statement that upon written request of the named
53 insured, mailed or delivered to the insurer not less than fifteen
54 (15) days prior to the effective date of cancellation, the insurer
55 will specify the reason for such cancellation.

56 This section shall not apply to nonrenewal unless there is a
57 named creditor loss payee.

58 (2) When an insurer cancels a policy for nonpayment of
59 premiums but the insurer mailed a notice of cancellation for
60 nonpayment of premiums to a different address than the address
61 shown in the policy resulting in the named insured failing to
62 receive proper notice from the insurer, the insured shall have the
63 opportunity to pay the past-due premiums for the policy. If the
64 insured pays the past-due premiums on the policy, the policy shall
65 be reinstated, and the original terms of the policy shall be
66 binding.

67 **SECTION 3.** Section 83-11-9, Mississippi Code of 1972, is
68 brought forward as follows:

69 83-11-9. Proof of mailing of notice of cancellation, or of
70 intention not to renew, or of reasons for cancellation to the
71 named insured by a certificate of mailing, at the address shown in
72 the policy, shall be sufficient proof of notice.

73 **SECTION 4.** This act shall take effect and be in force from
74 and after July 1, 2024.

