

By: Representative Ford (54th)

To: Insurance

HOUSE BILL NO. 1611

1 AN ACT TO AMEND SECTION 83-5-28, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE INSURANCE COMPANIES TO ISSUE NOTICES FOR RENEWAL,
3 CANCELLATION, REDUCTION OF COVERAGE OR NONRENEWAL OF PROPERTY AND
4 CASUALTY INSURANCE NOT LESS THAN FORTY-FIVE DAYS BEFORE THE
5 EFFECTIVE DATE OF THE RENEWAL, CANCELLATION, REDUCTION OF COVERAGE
6 OR NONRENEWAL; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 83-5-28, Mississippi Code of 1972, is
9 amended as follows:

10 83-5-28. (1) A renewal, cancellation, reduction in coverage
11 or nonrenewal of liability insurance coverage, fire insurance
12 coverage or single premium multiperil insurance coverage is not
13 effective as to any coverage issued or renewed after * * * January
14 1, 2026, unless notice is mailed or delivered to the insured and
15 to any named creditor loss payee by the insurer not less
16 than * * * forty-five (45) days prior to the effective date of
17 such cancellation, reduction or nonrenewal. This section shall
18 not apply to nonpayment of premium unless there is a named
19 creditor loss payee, in which case at least ten (10) days' notice
20 is required. The * * * notice requirements of this section shall



21 not apply when a replacement policy form is issued by the same
22 insurer or when a transfer of an insured to a licensed affiliate
23 of the insurer occurs, so long as the replacement of policy forms
24 or transfer results in the same or substantially similar coverage
25 and the insurer mails or delivers to the insured at least * * *
26 forty-five (45) days prior to the renewal effective date notice of
27 any term or condition that is less favorable to the policyholder.

28 (2) The provisions of subsection (1) shall be incorporated
29 into each liability, fire and multiperil policy issued or renewed
30 after * * * January 1, 2026; and if such provisions are not
31 expressly stated in the policy, such provisions shall be deemed to
32 be incorporated in the policy.

33 (3) Whenever a replacement policy form is issued by the same
34 insurer or when transfer of an insured to a licensed affiliate
35 occurs, documents signed by the insured are applicable to the
36 replacement policy form, the coverage transferred to a licensed
37 affiliate insurer, or both, and remain valid and enforceable.

38 (4) A transferring insurer shall notify the Mississippi
39 Insurance Department at least forty-five (45) days in advance of
40 notifying a policyholder that its personal or commercial lines
41 insurance policies will be transferred to another licensed insurer
42 within the same insurance group or same holding company. The
43 notice shall include the name of insurer transferring the personal
44 or commercial lines policies and the name and financial rating of



the insurer receiving the transferred personal or commercial lines policies.

(5) A transferring insurer shall provide the policyholder written notice of the policy transfer at least * * * forty-five (45) days prior to expiration of the policy term and shall include the financial rating of the insurer receiving the transferred policy. Such notice must be provided to the policyholder with the notice of renewal premium at least * * * forty-five (45) days before the effective date of the transfer.

(6) If the insurer fails to meet the notice requirement of this section, the named insured has the option of continuing the policy or contract for the remainder of the notice period plus an additional forty-five (45) days at the premium rate of the existing policy or contract. Such option shall continue in forty-five (45) day increments until the insurer provides the notice required in this section.

(* * * 7) As used in this section:

(a) "Affiliate transfer" is when an insurer transfers, at renewal or policy expiration, its personal or commercial lines insurance policies to an affiliated licensed insurer that is a member of the same insurance group or same holding company as the transferring insurer. The issuance of a replacement policy form providing the same or substantially similar coverage issued by the same insurer, or the transfer of personal or commercial insurance policies to a licensed affiliate insurer that will issue the same



70 or substantially similar policy, are considered a renewal and will
71 not be treated as a cancellation or nonrenewal. The affiliate
72 transfer must be to a licensed affiliate insurer that has been
73 determined by the commissioner to have the same or better
74 financial strength as the transferring insurer. The policy
75 transfer must be selected on a nondiscriminatory basis.

76 (b) "Substantially similar" means a policy that
77 provides the same basic coverages but may add, alter or eliminate
78 incidental coverages and may provide coverages using different
79 textual language.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after January 1, 2026.

