

By: Representative Ford (54th)

To: Insurance

HOUSE BILL NO. 1611  
(As Passed the House)

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; TO AMEND SECTION 71-3-77, MISSISSIPPI CODE OF 1972,  
7 TO CONFORM; AND FOR RELATED PURPOSES.

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

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

11 [From July 1, 2025, until July 1, 2026, this section shall  
12 read as follows:]

13 83-5-28. (1) A cancellation, reduction in coverage or  
14 nonrenewal of liability insurance coverage, fire insurance  
15 coverage or single premium multiperil insurance coverage is not  
16 effective as to any coverage issued or renewed after \* \* \* July 1,  
17 2025, but before June 30, 2026, unless notice is mailed or  
18 delivered to the insured and to any named creditor loss payee by  
19 the insurer not less than thirty (30) days prior to the effective  
20 date of such cancellation, reduction or nonrenewal. This section



21 shall not apply to nonpayment of premium unless there is a named  
22 creditor loss payee, in which case at least ten (10) days' notice  
23 is required. The cancellation and nonrenewal notice requirements  
24 of this section shall not apply when a replacement policy form is  
25 issued by the same insurer or when a transfer of an insured to a  
26 licensed affiliate of the insurer occurs, so long as the  
27 replacement of policy forms or transfer results in the same or  
28 substantially similar coverage and the insurer mails or delivers  
29 to the insured at least thirty (30) days prior to the renewal  
30 effective date notice of any term or condition that is less  
31 favorable to the policyholder.

32 (2) The provisions of subsection (1) shall be incorporated  
33 into each liability, fire and multiperil policy issued or renewed  
34 after \* \* \* July 1, 2025, but before June 30, 2026; and if such  
35 provisions are not expressly stated in the policy, such provisions  
36 shall be deemed to be incorporated in the policy.

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

42 (4) A transferring insurer shall notify the Mississippi  
43 Insurance Department at least forty-five (45) days in advance of  
44 notifying a policyholder that its personal or commercial lines  
45 insurance policies will be transferred to another licensed insurer



46 within the same insurance group or same holding company. The  
47 notice shall include the name of insurer transferring the personal  
48 or commercial lines policies and the name and financial rating of  
49 the insurer receiving the transferred personal or commercial lines  
50 policies.

51 (5) A transferring insurer shall provide the policyholder  
52 written notice of the policy transfer at least thirty (30) days  
53 prior to expiration of the policy term and shall include the  
54 financial rating of the insurer receiving the transferred policy.  
55 Such notice must be provided to the policyholder with the notice  
56 of renewal premium at least thirty (30) days before the effective  
57 date of the transfer.

58 (6) As used in this section:

59 (a) "Affiliate transfer" is when an insurer transfers,  
60 at renewal or policy expiration, its personal or commercial lines  
61 insurance policies to an affiliated licensed insurer that is a  
62 member of the same insurance group or same holding company as the  
63 transferring insurer. The issuance of a replacement policy form  
64 providing the same or substantially similar coverage issued by the  
65 same insurer, or the transfer of personal or commercial insurance  
66 policies to a licensed affiliate insurer that will issue the same  
67 or substantially similar policy, are considered a renewal and will  
68 not be treated as a cancellation or nonrenewal. The affiliate  
69 transfer must be to a licensed affiliate insurer that has been  
70 determined by the commissioner to have the same or better



71 financial strength as the transferring insurer. The policy  
72 transfer must be selected on a nondiscriminatory basis.

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

77 **[From and after July 1, 2026, this section shall read as**  
78 **follows:]**

79 83-5-28. (1) A renewal, cancellation, reduction in coverage  
80 or nonrenewal of liability insurance coverage, fire insurance  
81 coverage or single premium multiperil insurance coverage is not  
82 effective as to any coverage issued or renewed after July 1, 2026,  
83 unless notice is mailed or delivered to the insured and to any  
84 named creditor loss payee by the insurer not less than forty-five  
85 (45) days prior to the effective date of such cancellation,  
86 reduction or nonrenewal. This section shall not apply to  
87 nonpayment of premium unless there is a named creditor loss payee,  
88 in which case at least ten (10) days' notice is required. The  
89 notice requirements of this section shall not apply when a  
90 replacement policy form is issued by the same insurer or when a  
91 transfer of an insured to a licensed affiliate of the insurer  
92 occurs, so long as the replacement of policy forms or transfer  
93 results in the same or substantially similar coverage and the  
94 insurer mails or delivers to the insured at least forty-five (45)



days prior to the renewal effective date notice of any term or condition that is less favorable to the policyholder.

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

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

(4) A transferring insurer shall notify the Mississippi Insurance Department at least forty-five (45) days in advance of notifying a policyholder that its personal or commercial lines insurance policies will be transferred to another licensed insurer within the same insurance group or same holding company. The notice shall include the name of insurer transferring the personal 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 or substantially similar policy, are considered a renewal and will not be treated as a cancellation or nonrenewal. The affiliate transfer must be to a licensed affiliate insurer that has been determined by the commissioner to have the same or better financial strength as the transferring insurer. The policy transfer must be selected on a nondiscriminatory basis.



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

**SECTION 2.** Section 71-3-77, Mississippi Code of 1972, is amended as follows:

**[From July 1, 2025, until July 1, 2026, this section shall read as follows:]**

71-3-77. (1) Every contract for the insurance of the compensation herein provided, or against liability therefor, shall be deemed to be made subject to the provisions of this chapter, and provisions thereof inconsistent with this chapter shall be void. Such contract shall be allowed to offer deductibles on all liability of the assured under and according to the provisions of this chapter, notwithstanding any agreement of the parties to the contrary. However, the payments of the claims, including the deductible amounts, shall be made directly from the insurance company to the employee, except for medical benefits which shall be paid to the medical provider. A copy of such payments shall be forwarded to the employer. The insurance company shall collect the deductible from the employer as shall be provided in the contract between the employer and the insurer. No such policy shall be subject to nonrenewal, or cancelled by the insurer within the policy period, until a notice in writing shall be given to the commission and to the insured, fixing the date on which it is



170 proposed to cancel it or declaring that the company does not  
171 intend to renew the policy upon expiration date. Notice to the  
172 insured shall be served personally or by registered or certified  
173 mail. Notice to the commission shall be provided in such manner  
174 and on such form as the commission may prescribe or direct. No  
175 such cancellation or nonrenewal shall be effective until thirty  
176 (30) days after the service of such notice on the insured and the  
177 provision of notice to the commission, unless the employer has  
178 obtained other insurance coverage, in which case such policy shall  
179 be deemed cancelled as of the effective date of such other  
180 insurance, whether or not such notice has been given. The notice  
181 requirements of this section shall not apply when a replacement  
182 policy form providing the same or substantially similar coverage  
183 is issued by the same insurer, or when transfer of an insured to a  
184 licensed affiliate providing the same or substantially similar  
185 coverage occurs. Whenever a replacement policy form providing the  
186 same or substantially similar coverage is issued by the same  
187 insurer, or when a transfer of an insured to a licensed affiliate  
188 of the insurer providing the same or substantially similar  
189 coverage occurs, documents signed by the insured are applicable to  
190 the replacement policy and to coverage being transferred, and  
191 remain valid and enforceable.

192       The insured may also cancel such a policy on the day that the  
193 insured either (a) returns the policy to the agent, or (b) signs  
194 and delivers to the agent a "lost policy release." If the insured





desires to cancel a policy before the policy has become effective, he may cancel the policy by written notice of cancellation to the agent or company without return of the policy or a release.

Whenever a replacement policy form providing the same or substantially similar coverage is issued by the same insurer, or by a licensed affiliate insurer, such insurer shall mail or deliver to the policyholder, at least thirty (30) days in advance of the effective date of renewal, written notice of any terms or conditions that are less favorable to the policyholder.

A transferring insurer shall notify the Mississippi Insurance Department and the Mississippi Workers' Compensation Commission at least forty-five (45) days in advance of notifying a policyholder that its personal or commercial lines insurance policies will be transferred to another licensed insurer within the same insurance group or same holding company. The notice shall include the name of insurer transferring the personal or commercial lines policies and the name and financial rating of the insurer receiving the transferred personal or commercial lines policies.

A transferring insurer shall provide the policyholder written notice of the policy transfer at least thirty (30) 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 thirty (30) days before the effective date of the transfer.



(2) In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this chapter may be most effectively discharged by the employer and in order that the administration of this chapter in respect of such liability may be facilitated, the commission shall by regulation provide for the discharge, by the carrier or carriers for such employer, of such obligations and duties of the employer in respect of such liability imposed by this chapter upon the employer as it considers proper in order to effectuate the provisions of this chapter. For such purpose (a) notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier or carriers; (b) jurisdiction of the employer by the commission or any court under this chapter shall be jurisdiction of the carrier or carriers; and (c) any requirement by the commission or any court under any compensation order, finding, or decision shall be binding upon the carrier or carriers in the same manner and to the same extent as upon the employer.

(3) 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



245 same insurer, or the transfer of personal or commercial insurance  
246 policies to a licensed affiliate insurer that will issue the same  
247 or substantially similar policy, are considered a renewal and will  
248 not be treated as a cancellation or nonrenewal. The affiliate  
249 transfer must be to a licensed affiliate insurer that has been  
250 determined by the commissioner to have the same or better  
251 financial strength as the transferring insurer. The policy  
252 transfer must be selected on a nondiscriminatory basis.

253 (b) "Substantially similar" means a policy that  
254 provides the same basic coverages but may add, alter or eliminate  
255 incidental coverages and may provide coverages using different  
256 textual language.

257 **[From and after July 1, 2026, this section shall read as**  
258 **follows:]**

259 71-3-77. (1) Every contract for the insurance of the  
260 compensation herein provided, or against liability therefor, shall  
261 be deemed to be made subject to the provisions of this chapter,  
262 and provisions thereof inconsistent with this chapter shall be  
263 void. Such contract shall be allowed to offer deductibles on all  
264 liability of the assured under and according to the provisions of  
265 this chapter, notwithstanding any agreement of the parties to the  
266 contrary. However, the payments of the claims, including the  
267 deductible amounts, shall be made directly from the insurance  
268 company to the employee, except for medical benefits which shall  
269 be paid to the medical provider. A copy of such payments shall be



270 forwarded to the employer. The insurance company shall collect  
271 the deductible from the employer as shall be provided in the  
272 contract between the employer and the insurer. No such policy  
273 shall be subject to nonrenewal, or cancelled by the insurer within  
274 the policy period, until a notice in writing shall be given to the  
275 commission and to the insured, fixing the date on which it is  
276 proposed to cancel it or declaring that the company does not  
277 intend to renew the policy upon expiration date. Notice to the  
278 insured shall be served personally or by registered or certified  
279 mail. Notice to the commission shall be provided in such manner  
280 and on such form as the commission may prescribe or direct. No  
281 such cancellation or nonrenewal shall be effective until  
282 forty-five (45) days after the service of such notice on the  
283 insured and the provision of notice to the commission, unless the  
284 employer has obtained other insurance coverage, in which case such  
285 policy shall be deemed cancelled as of the effective date of such  
286 other insurance, whether or not such notice has been given. The  
287 notice requirements of this section shall not apply when a  
288 replacement policy form providing the same or substantially  
289 similar coverage is issued by the same insurer, or when transfer  
290 of an insured to a licensed affiliate providing the same or  
291 substantially similar coverage occurs. Whenever a replacement  
292 policy form providing the same or substantially similar coverage  
293 is issued by the same insurer, or when a transfer of an insured to  
294 a licensed affiliate of the insurer providing the same or



295 substantially similar coverage occurs, documents signed by the  
296 insured are applicable to the replacement policy and to coverage  
297 being transferred, and remain valid and enforceable.

298 The insured may also cancel such a policy on the day that the  
299 insured either (a) returns the policy to the agent, or (b) signs  
300 and delivers to the agent a "lost policy release." If the insured  
301 desires to cancel a policy before the policy has become effective,  
302 he may cancel the policy by written notice of cancellation to the  
303 agent or company without return of the policy or a release.

304 Whenever a replacement policy form providing the same or  
305 substantially similar coverage is issued by the same insurer, or  
306 by a licensed affiliate insurer, such insurer shall mail or  
307 deliver to the policyholder, at least forty-five (45) days in  
308 advance of the effective date of renewal, written notice of any  
309 terms or conditions that are less favorable to the policyholder.

310 A transferring insurer shall notify the Mississippi Insurance  
311 Department and the Mississippi Workers' Compensation Commission at  
312 least forty-five (45) days in advance of notifying a policyholder  
313 that its personal or commercial lines insurance policies will be  
314 transferred to another licensed insurer within the same insurance  
315 group or same holding company. The notice shall include the name  
316 of insurer transferring the personal or commercial lines policies  
317 and the name and financial rating of the insurer receiving the  
318 transferred personal or commercial lines policies.



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

326 (2) In any case where the employer is not a self-insurer, in  
327 order that the liability for compensation imposed by this chapter  
328 may be most effectively discharged by the employer and in order  
329 that the administration of this chapter in respect of such  
330 liability may be facilitated, the commission shall by regulation  
331 provide for the discharge, by the carrier or carriers for such  
332 employer, of such obligations and duties of the employer in  
333 respect of such liability imposed by this chapter upon the  
334 employer as it considers proper in order to effectuate the  
335 provisions of this chapter. For such purpose (a) notice to or  
336 knowledge of an employer of the occurrence of the injury shall be  
337 notice to or knowledge of the carrier or carriers; (b)  
338 jurisdiction of the employer by the commission or any court under  
339 this chapter shall be jurisdiction of the carrier or carriers; and  
340 (c) any requirement by the commission or any court under any  
341 compensation order, finding, or decision shall be binding upon the  
342 carrier or carriers in the same manner and to the same extent as  
343 upon the employer.



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

351       (4) As used in this section:

352           (a) "Affiliate transfer" is when an insurer transfers,  
353 at renewal or policy expiration, its personal or commercial lines  
354 insurance policies to an affiliated licensed insurer that is a  
355 member of the same insurance group or same holding company as the  
356 transferring insurer. The issuance of a replacement policy form  
357 providing the same or substantially similar coverage issued by the  
358 same insurer, or the transfer of personal or commercial insurance  
359 policies to a licensed affiliate insurer that will issue the same  
360 or substantially similar policy, are considered a renewal and will  
361 not be treated as a cancellation or nonrenewal. The affiliate  
362 transfer must be to a licensed affiliate insurer that has been  
363 determined by the commissioner to have the same or better  
364 financial strength as the transferring insurer. The policy  
365 transfer must be selected on a nondiscriminatory basis.

366           (b) "Substantially similar" means a policy that  
367 provides the same basic coverages but may add, alter or eliminate



368 incidental coverages and may provide coverages using different  
369 textual language.

370       **SECTION 3.** This act shall take effect and be in force from  
371 and after July 1, 2025.

