

By: Representative Formby

To: Insurance

HOUSE BILL NO. 1230

1 AN ACT TO PROVIDE THAT A DECEDENT'S DIRECTIONS IN A FULLY
2 FUNDED PRENEED CONTRACT OVERRULE CONFLICTING WISHES OF NEXT OF KIN
3 AND SURVIVING HEIRS; TO PROVIDE THAT THE CONTRACT PROVIDER HAS THE
4 RIGHT TO RELY ON THE PRENEED CONTRACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) Unless a compelling public interest makes it
7 impossible to comply with a decedent's directions in a preneed
8 contract, and the decedent did not make conflicting provisions
9 regarding funeral matters in a subsequently executed last will and
10 testament, a preneed contract executed by the decedent for his own
11 arrangements and fully funded, overrules, following the decedent's
12 death, the conflicting wishes of the decedent's next of kin and
13 surviving heirs at law.

14 (2) The provisions of this section shall not prevent the
15 decedent's next of kin or surviving heirs at law from, at their
16 own expense, pursuing reasonable services and making reasonable
17 arrangements that do not conflict with the decedent's directions
18 in a preneed contract.

19 (3) A contract provider shall have the right to rely on the
20 preneed contract and perform its obligations in accordance with
21 the preneed contract. There shall be no liability for a contract
22 provider that in good faith performs its obligations pursuant to
23 the preneed contract, provided the preneed contract is in
24 compliance with Section 75-63-51 et seq. and rules promulgated
25 thereunder.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2004.