

By: Representative Davis

To: Insurance

## HOUSE BILL NO. 1183

1 AN ACT TO AMEND SECTION 83-5-253, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE PROVISIONS OF ANY INSURANCE POLICY UPON THE  
3 LIFE OF ANOTHER WHICH PROVIDES FOR BENEFITS TO BE PAYABLE UNDER  
4 THE POLICY TO SOMEONE OTHER THAN THE INSURED'S ESTATE, PERSONAL  
5 REPRESENTATIVES, DESIGNATED BENEFICIARIES OR HEIRS SHALL BE VOID  
6 AND OF NO EFFECT UNTIL THE INSURED GIVES HIS OR HER WRITTEN  
7 CONSENT TO SUCH PROVISIONS AND, IN THE ABSENCE OF THE INSURED'S  
8 CONSENT, THE POLICY BENEFITS SHALL BE DEEMED TO BE PAYABLE TO THE  
9 INSURED'S ESTATE OR LEGAL REPRESENTATIVE; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** Section 83-5-253, Mississippi Code of 1972, is  
13 amended as follows:

14 83-5-253. (1) No life or health insurance contract upon an  
15 individual, except a contract of group life insurance or annuity  
16 or of group health insurance, or replacement contracts, shall be  
17 made or effectuated, unless at the time of the making of the  
18 contract the insured, applies therefor or has consented thereto in  
19 writing or has had the application acknowledged in writing by the  
20 insurance company, except that any person having an insurable  
21 interest in the life of a minor or any person upon whom a minor is  
22 dependent for support and maintenance may effectuate insurance  
23 upon the life of or pertaining to such minor.

24 (2) Notwithstanding that a person who procures or attempts  
25 to procure an insurance policy upon the life of another may have  
26 an insurable interest in the life of the insured under Section  
27 83-5-251, and notwithstanding any other provisions of this  
28 section, an insurance company shall not issue to any person an  
29 insurance policy upon the life of another which provides for  
30 benefits to be payable under the policy to someone other than the  
31 insured's estate, personal representatives, designated

32 beneficiaries or heirs unless the insured gives his or her  
33 consent, in writing, to the insurance company. The provisions of  
34 any policy which provide for payment of benefits to someone other  
35 than as provided for in this subsection shall be void and of no  
36 effect until the insured gives his or her written consent to such  
37 provisions and, in the absence of the insured's consent, the  
38 policy benefits shall be deemed to be payable to the insured's  
39 estate or legal representative notwithstanding any provisions of  
40 the policy to the contrary. The consent required under this  
41 subsection may be given by the insured, by the insured's personal  
42 representative or by any other person authorized by law to act for  
43 and on behalf of the insured, including a parent or person in loco  
44 parentis if the insured is a minor.

45       **SECTION 2.** This act shall take effect and be in force from  
46 and after July 1, 2005.