

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2188

1 AN ACT TO AMEND SECTION 75-63-65, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SELLERS OF PRE-NEED FUNERAL CONTRACTS TO SHOW PROOF OF
3 COMPLETION OF A PRE-NEED CERTIFICATION COURSE BEFORE REGISTRATION
4 WITH THE SECRETARY OF STATE; TO REQUIRE SELLERS OF PRE-NEED
5 FUNERAL CONTRACTS TO PAY A REGISTRATION FEE TO THE SECRETARY OF
6 STATE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 75-63-65, Mississippi Code of 1972, is
9 amended as follows:

10 75-63-65. (1) Any establishment or organization which
11 engages in the business of selling pre-need merchandise and/or
12 services shall register with the Secretary of State and shall pay
13 a registration fee. A separate registration is required for each
14 separate corporation or business entity. The establishment or
15 organization shall pay to the Secretary of State for the
16 registration of the main establishment or organization a fee of
17 Two Hundred Fifty Dollars (\$250.00).

18 (2) Any person who engages in the business of selling
19 pre-need contracts shall register with the Secretary of State and
20 pay a registration fee of Fifty Dollars (\$50.00). This
21 registration fee shall apply retroactively to persons engaged in
22 the selling of pre-need contracts and registered with the
23 Secretary of State before July 1, 2005.

24 (3) The Secretary of State shall establish regulations to
25 register each establishment or organization selling pre-need
26 merchandise or services. No establishment or organization shall
27 be registered to sell pre-need merchandise or services that the
28 establishment or organization cannot lawfully provide at the time
29 of a person's death. The Secretary of State shall also maintain a

30 record of all individuals who are registered to sell pre-need
31 merchandise or services through the registered establishment.

32 (4) The Secretary of State shall establish regulations to
33 register each person selling pre-need contracts, including the
34 establishment through which the seller will be selling. No person
35 shall be registered to sell pre-need contracts without indicating
36 the establishment for which he or she is selling. No person shall
37 be registered to sell pre-need contracts without showing
38 satisfactory proof that he has completed a pre-need certification
39 course which has been approved by the Secretary of State. This
40 certification course requirement shall apply retroactively to
41 persons engaged in the selling of pre-need contracts and
42 registered with the Secretary of State before July 1, 2005.

43 (5) The Secretary of State shall develop and furnish the
44 forms necessary for the registration of establishments and
45 individuals selling pre-need contracts.

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