

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2332

1 AN ACT TO AMEND SECTION 75-24-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN RATE INCREASES FOR MOTOR VEHICLE INSURANCE
3 FOR INSURED ON ACTIVE MILITARY DUTY CONSTITUTE UNFAIR TRADE
4 PRACTICES UNDER THE MISSISSIPPI CONSUMER PROTECTION ACT; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 75-24-5, Mississippi Code of 1972, is
8 amended as follows:

9 75-24-5. (1) Unfair methods of competition affecting
10 commerce and unfair or deceptive trade practices in or affecting
11 commerce are prohibited. Action may be brought under Section
12 75-24-5(1) only under the provisions of Section 75-24-9.

13 (2) Without limiting the scope of subsection (1) of this
14 section, the following unfair methods of competition and unfair or
15 deceptive trade practices or acts in the conduct of any trade or
16 commerce are hereby prohibited:

17 (a) Passing off goods or services as those of another;

18 (b) Misrepresentation of the source, sponsorship,
19 approval, or certification of goods or services;

20 (c) Misrepresentation of affiliation, connection, or
21 association with, or certification by another;

22 (d) Misrepresentation of designations of geographic
23 origin in connection with goods or services;

24 (e) Representing that goods or services have
25 sponsorship, approval, characteristics, ingredients, uses,
26 benefits, or quantities that they do not have or that a person has
27 a sponsorship, approval, status, affiliation, or connection that
28 he does not have;

(f) Representing that goods are original or new if they are reconditioned, reclaimed, used, or secondhand;

(g) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact;

(i) Advertising goods or services with intent not to sell them as advertised;

(j) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(k) Misrepresentations of fact concerning the reasons for, existence of, or amounts of price reductions;

(l) Advertising by or on behalf of any licensed or regulated health care professional which does not specifically describe the license or qualifications of the licensed or regulated health care professional;

(m) Charging an increased premium for reinstating a motor vehicle insurance policy that was canceled or suspended by the insured solely for the reason that he was transferred out of this state and not driving his vehicle while serving in the United States Armed Forces or on active duty in the National Guard or United States Armed Forces Reserve. It is also an unfair practice for an insurer to charge an increased premium for a new motor vehicle insurance policy if the applicant for coverage or his covered dependents were previously insured with a different insurer and canceled that policy solely for the reason that he was transferred out of this state and not driving his vehicle while serving in the United States Armed Forces or on active duty in the National Guard or United States Armed Forces Reserve. For purposes of determining premiums, an insurer shall consider such persons as having maintained continuous coverage.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after its passage.