

By: Representative Turner

To: Insurance

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 819

1 AN ACT TO AMEND SECTIONS 83-11-17 AND 83-11-19, MISSISSIPPI  
2 CODE OF 1972, TO REMOVE THE REQUIREMENT OF A FIFTEEN DOLLAR FILING  
3 FEE IN AUTOMOBILE CANCELLATION OR NONRENEWAL APPEALS; TO AMEND  
4 SECTION 83-17-251, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM  
5 PRELICENSING REQUIREMENTS INDIVIDUALS SEEKING LICENSURE IN THE  
6 LIFE LINE OF AUTHORITY ONLY; TO AMEND SECTION 83-17-523,  
7 MISSISSIPPI CODE OF 1972, TO CLARIFY THE COMPENSATION OF A PUBLIC  
8 ADJUSTER; TO PROVIDE THAT A PUBLIC ADJUSTER SHALL NOT PARTICIPATE  
9 IN THE RECONSTRUCTION, REPAIR OR RESTORATION OF DAMAGED PROPERTY  
10 THAT IS THE SUBJECT OF A CLAIM ADJUSTED BY THE ADJUSTER; TO  
11 PROVIDE THAT A PUBLIC ADJUSTER SHALL NOT ENGAGE IN ANY ACTIVITIES  
12 THAT MAY BE REASONABLY CONSTRUED AS A CONFLICT OF INTEREST; TO  
13 PROVIDE THAT A PUBLIC ADJUSTER SHALL NOT HAVE A FINANCIAL INTEREST  
14 IN ANY SALVAGE, REPAIR OR ANY OTHER BUSINESS ENTITY THAT OBTAINS  
15 BUSINESS IN CONNECTION WITH ANY CLAIM THAT THE PUBLIC ADJUSTER HAS  
16 A CONTRACT TO ADJUST; TO AUTHORIZE THE COMPREHENSIVE HEALTH  
17 INSURANCE RISK POOL ASSOCIATION TO ESTABLISH AN ONLINE PORTAL TO  
18 ASSIST MISSISSIPPIANS IN SELECTING A HEALTH PLAN; AND FOR RELATED  
19 PURPOSES.

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

21 **SECTION 1.** Section 83-11-17, Mississippi Code of 1972, is  
22 amended as follows:

23 83-11-17. A named insured who wishes to contest the reason  
24 or reasons for a cancellation of a policy which has been in effect  
25 for sixty (60) days or more or failure by insurer to give proper  
26 notice of nonrenewal as provided hereunder shall, not less than



27 seven (7) working days from the date of receipt of notice of  
28 cancellation or receipt of notice of nonrenewal, mail or deliver  
29 to the Commissioner of Insurance a written request for a hearing,  
30 which request shall state clearly the basis for the appeal \* \* \*.

31 A cancellation or nonrenewal which is subject to the  
32 provisions of this article shall be deemed effective unless the  
33 Commissioner of Insurance determines otherwise in accordance with  
34 the provisions of this article.

35 **SECTION 2.** Section 83-11-19, Mississippi Code of 1972, is  
36 amended as follows:

37 83-11-19. Within two (2) working days after receipt of a  
38 timely request for a hearing, the commissioner or his officially  
39 appointed designee shall call a hearing upon at least seven (7)  
40 days' notice to the parties. Each insurer licensed to do in this  
41 state the kind of business which is subject to this article shall  
42 maintain on file with the commissioner the name and address of the  
43 person authorized to receive notices pursuant to this article on  
44 behalf of the insurer.

45 The commissioner or his designated representative who  
46 conducted the hearing shall, at the conclusion thereof or not  
47 later than two (2) days thereafter, issue his written findings to  
48 the parties. If he finds for the named insured, he shall \* \* \*  
49 either order the insurer to rescind its notice of cancellation or,  
50 if the date cancellation is to be effective has elapsed, order the  
51 policy reinstated or renewed. Such order shall operate



52 retroactively only to cover a period not to exceed twenty (20)  
53 days from the date cancellation otherwise would have been  
54 effective, and prospectively from the date on which the order was  
55 issued; provided, however, that no policy shall be reinstated or  
56 renewed while the named insured is in arrears in payment of  
57 premiums on such policy. If the commissioner or his  
58 representative finds for the insurer, his written order shall so  
59 state \* \* \*. Reinstatement of a policy under this section shall  
60 not operate in any way to extend the expiration, termination, or  
61 anniversary date provided in the policy. Renewal of a policy  
62 shall be for a term of one (1) year from the expiration date of  
63 the prior policy, and otherwise shall contain the same coverage,  
64 terms, and contractual provisions contained in said prior policy.

65 **SECTION 3.** Section 83-17-251, Mississippi Code of 1972, is  
66 amended as follows:

67 83-17-251. (1) Every individual seeking to be licensed as  
68 an insurance producer in the State of Mississippi, as a condition  
69 of issuance of an original license, must furnish the Commissioner  
70 of Insurance certification on a form prescribed by the  
71 commissioner that he or she has completed an approved prelicensing  
72 course of study for the line of insurance requested.

73 (2) The prelicensing course of study hours shall consist of  
74 twenty (20) hours of approved prelicensing education courses per  
75 line of authority. The Commissioner of Insurance shall determine  
76 the content requirements for each prelicensing course of study.



77 The prelicensing educational requirements of this section shall  
78 not apply to:

79 (a) An individual that is exempt from taking the  
80 written examination as provided in Section 83-17-39(1) and Section  
81 83-17-67.

82 (b) An individual who has received a bachelor's degree  
83 with major coursework in insurance from an accredited institution  
84 of higher learning.

85 (c) An individual holding a current and valid CEBS,  
86 CHFC, CIC, CFP, CLU, FLMI, LUTCF designation is exempt for the  
87 life line of authority.

88 (d) An individual holding a current and valid RHU,  
89 CEBS, REBC, HIA designation is exempt for the accident and health  
90 or sickness line of authority.

91 (e) An individual holding a current and valid AAI, ARM,  
92 CIC, CPCU designation is exempt for the property and casualty  
93 lines of authority.

94 (f) Limited lines insurance producer and limited lines  
95 credit insurance producer as defined in Section 83-17-53.

96 (g) An individual that is seeking licensure for the  
97 variable life and variable annuity products line of authority  
98 only.

99 (h) An individual that is seeking licensure for the  
100 life line of authority only.



101           (3) Every individual seeking renewal of an insurance  
102 producer license, which has been in effect for a term of eighteen  
103 (18) months or less shall satisfactorily complete twelve (12)  
104 hours of study in approved continuing education courses. Every  
105 individual seeking renewal of an insurance producer license, which  
106 has been in effect for a term of more than eighteen (18) months  
107 shall satisfactorily complete twenty-four (24) hours of study in  
108 approved continuing education courses, of which three (3) hours  
109 shall have a course concentration in ethics.

110           (4) The continuing educational requirements of this section  
111 shall not apply to:

112                   (a) Any individual that is exempt from taking the  
113 written examination as provided in Section 83-17-39(1) (b), (c),  
114 (e) and (g);

115                   (b) Any limited lines producer or limited lines credit  
116 insurance producer;

117                   (c) A person not a resident of this state who meets the  
118 continuing educational requirement in the state in which such  
119 person resides and Mississippi has a reciprocal agreement with  
120 that state;

121                   (d) Nonactive agents as defined in Section 83-17-1; or

122                   (e) Any individual who is sixty-five (65) years of age  
123 or older and who has been licensed as an insurance producer for a  
124 continuous period of twenty-five (25) years or more as of April  
125 17, 2023, as evidenced by submission of an affidavit, under oath,



126 on a form prescribed by the commissioner, signed by the licensee  
127 attesting to satisfaction of the age, licensing and experience  
128 requirements of this paragraph (e).

129 **SECTION 4.** Section 83-17-523, Mississippi Code of 1972, is  
130 amended as follows:

131 83-17-523. (1) Public adjusters shall ensure that all  
132 contracts for their services are in writing, signed by the insured  
133 and the public adjuster who solicited the contract, and a copy of  
134 the contract shall be provided to the insured upon execution. All  
135 such contracts shall be subject to the following provisions:

136 (a) No public adjuster shall charge, agree to, or  
137 accept as compensation any payment, commission, fee or other thing  
138 of value equal to more than ten percent (10%) of any insurance  
139 settlement or the proceeds of any claim investigated, exclusive of  
140 any settlement or agreed settlement made between the insured and  
141 the insurance company before the public adjuster and insured enter  
142 into a contract for services.

143 (b) No public adjuster shall require, demand or accept  
144 any fee, retainer, compensation, deposit or other thing of value,  
145 prior to partial or full settlement of a claim.

146 (c) Any costs to be reimbursed to a public adjuster out  
147 of the proceeds of a settlement shall be specified by kind and  
148 estimated amounts.

149 (d) A public adjuster's contract with the insured shall  
150 be revocable or cancelable by the insured without cause and



151 without penalty or obligation for at least five (5) business days  
152 after the contract is executed by the insured. Nothing in this  
153 provision shall be construed to prevent an insured from pursuing  
154 any civil legal remedy to revoke or cancel the contract after the  
155 expiration of such cancellation period.

156 (e) No public adjuster may require that an insured  
157 authorize an insurer to issue a check only in the name of the  
158 public adjuster.

159 (2) Public adjusters shall adhere to the following ethical  
160 requirements:

161 (a) No public adjuster shall undertake the adjustment  
162 of any claim for which the public adjuster is not currently  
163 competent and knowledgeable as to the terms and conditions of the  
164 insurance coverage, or which otherwise exceeds the public  
165 adjuster's current expertise.

166 (b) No public adjuster shall, as a public adjuster,  
167 represent any person or entity whose claim the public adjuster has  
168 previously adjusted while acting as an independent adjuster  
169 representing any insurer, either directly or through an  
170 independent adjusting firm retained by the insurer.

171 (c) A public adjuster shall not knowingly make any oral  
172 or written material misrepresentations or statements to any  
173 insured or potential insured which are false and intended to  
174 injure any person engaged in the business of insurance.



175           (d) No public adjuster shall knowingly enter into a  
176 contract to adjust a residential property claim subsequent to a  
177 declaration of total loss by an insurer, unless the services to be  
178 provided by the public adjuster can reasonably be expected to  
179 result in the insured obtaining an insurance settlement, net of  
180 the public adjuster's compensation, in excess of the amount the  
181 insured would have obtained without the services of the public  
182 adjuster.

183           (e) A public adjuster shall advise each insured that  
184 the insured has the right to retain an attorney at law of his  
185 choice throughout the public adjuster's investigation and  
186 adjustment of the claim.

187           (f) If the claim is not settled by the public adjuster,  
188 the public adjuster shall advise the insured that the insured has  
189 the right to retain an attorney at law of his choice.

190           (g) No public adjuster shall contract for, agree to, or  
191 receive anything of value from any attorney at law or other person  
192 acting in concert with any attorney at law (i) for referring  
193 claims to the attorney, or (ii) in connection with any claim for  
194 which the public adjuster has performed or intends to perform  
195 services.

196           (h) No public adjuster shall split any attorney's fee  
197 with any attorney at law.

198           (i) A public adjuster shall not testify as an expert  
199 witness in any judicial or administrative proceeding while





200 maintaining a pecuniary interest in the outcome of the proceeding,  
201 as otherwise permitted by Section 83-17-523(1) (a); provided,  
202 however, that a public adjuster may testify as an expert witness  
203 if pursuant to the terms of his contract his compensation is  
204 converted to a specified hourly rate, which rate (i) is subject to  
205 such limitations as may be prescribed by the commissioner, and  
206 (ii) is not subject to any contingencies. In the event of a  
207 conversion of the public adjuster's contract to an hourly rate  
208 agreement, the prior fee arrangement shall be inadmissible at  
209 trial.

210 (j) A public adjuster shall not participate, directly  
211 or indirectly, in the reconstruction, repair or restoration of  
212 damaged property that is the subject of a claim adjusted by the  
213 adjuster.

214 (k) A public adjuster shall not engage in any  
215 activities that may be reasonably construed as a conflict of  
216 interest, including, directly or indirectly, soliciting or  
217 accepting any remuneration of any kind or nature.

218 (l) A public adjuster shall not have a financial  
219 interest in any salvage, repair or any other business entity that  
220 obtains business in connection with any claim that the public  
221 adjuster has a contract to adjust.

222 **SECTION 5.** The Comprehensive Health Insurance Risk Pool  
223 Association shall have the authority to develop and fund an online  
224 portal that shall be available to all Mississippians to assist



225 consumers in selection of a health plan. This program shall have  
226 the capacity to aggregate information regarding providers, drug  
227 coverage and pricing that would allow consumers to make informed  
228 decisions in selecting a health plan.

229 **SECTION 6.** This act shall take effect and be in force from  
230 and after July 1, 2024.

