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Chapter No. 448

09/HR03/R840SG

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HOUSE BILL NO. 777

Originated in House Don Richardson Clerk

HOUSE BILL NO. 777

AN ACT TO AMEND SECTION 27-15-85, MISSISSIPPI CODE OF 1972, TO REVISE THE PRIVILEGE LICENSE TAX ON EACH BUSINESS ENTITY ACTING AS AN INSURANCE PRODUCER, LIMITED LINES PRODUCER OR LIMITED LINES CREDIT INSURANCE PRODUCER; TO AMEND SECTION 27-15-87, MISSISSIPPI CODE OF 1972, TO REVISE THE PRIVILEGE LICENSE TAX ON EACH INDIVIDUAL ACTING AS AN INSURANCE PRODUCER, LIMITED LINES PRODUCER OR LIMITED LINES CREDIT INSURANCE PRODUCER; TO AMEND SECTION 27-15-89, MISSISSIPPI CODE OF 1972, TO REVISE THE PRIVILEGE LICENSE TAX ON SUPERVISING GENERAL AGENTS AND MANAGING GENERAL AGENTS; TO AMEND SECTION 27-15-91, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 83-17-1, MISSISSIPPI CODE OF 1972, TO DELETE THE DEFINITION OF THE TERM "INSURANCE SOLICITOR" AND TO REVISE OTHER DEFINITIONS AS THEY RELATE TO INSURANCE PRODUCER LICENSING; TO AMEND SECTION 83-17-25, MISSISSIPPI CODE OF 1972, TO CHANGE THE DURATION OF PRODUCER LICENSE FROM ANNUAL TO BIENNIAL; TO AMEND SECTION 83-17-53, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEFINITION OF THE TERM "LIMITED LINES INSURANCE"; TO AMEND SECTION 83-17-63, MISSISSIPPI CODE OF 1972, TO AUTHORIZE INSURANCE PRODUCERS TO RECEIVE QUALIFICATION FOR LICENSE IN CAR RENTAL, CROP INSURANCE, SURETY, AND TRAVEL LINES OF INSURANCE; TO AMEND SECTION 83-17-251, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF HOURS OF PRELICENSING EDUCATION REQUIRED FOR EACH LINE OF AUTHORITY AND THE NUMBER OF HOURS OF CONTINUING EDUCATION REQUIRED DURING EACH LICENSURE PERIOD; TO AMEND SECTION 83-17-253, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ESTABLISH STANDARDS RELATING TO PRELICENSING AND CONTINUING EDUCATION COURSES; TO AMEND SECTION 83-17-255, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE PRELICENSING AND CONTINUING EDUCATIONAL ADVISORY COMMITTEE; TO AMEND SECTION 83-17-257, MISSISSIPPI CODE OF 1972, TO REQUIRE EDUCATIONAL PROVIDERS TO SUBMIT PROOF OF ATTENDEE'S SUCCESSFUL COMPLETION OF EDUCATIONAL PROGRAMS TO THE COMMISSIONER IN AN ELECTRONIC FORMAT WITHIN A CERTAIN PERIOD OF TIME; TO AMEND SECTION 83-21-19, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION 27-15-93, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A PRIVILEGE TAX ON INCORPORATED LIFE, HEALTH OR ACCIDENT INSURANCE AGENCIES, INCORPORATED SUPERVISING GENERAL AGENTS AND LIFE INSURANCE AGENTS; TO REPEAL SECTION 27-15-95, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A PRIVILEGE TAX UPON EACH PERSON, OTHER THAN AN INCORPORATED INSURANCE AGENCY WRITING HEALTH AND ACCIDENT, OR INDUSTRIAL LIFE INSURANCE; TO REPEAL SECTION 27-15-99, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A PRIVILEGE TAX UPON EACH PERSON WRITING EXCLUSIVELY LAND TITLE INSURANCE; TO REPEAL SECTION 83-17-43, MISSISSIPPI CODE OF 1972, WHICH REQUIRES ALL INSURANCE SOLICITORS TO FILE WITH THE COMMISSIONER OF INSURANCE AN APPLICATION FOR CERTIFICATE OF APPOINTMENT AS SOLICITOR; TO AMEND

SECTIONS 27-15-101, 83-17-61 AND 83-17-65, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO CREATE A NEW SECTION TO PROVIDE THAT THE COMPENSATION OF THE DEPUTY COMMISSIONER OF INSURANCE SHALL BE FIXED BY THE COMMISSIONER OF INSURANCE, SUBJECT TO APPROVAL BY THE STATE PERSONNEL BOARD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-15-85, Mississippi Code of 1972, is amended as follows:

27-15-85. (1) Upon each business entity, as defined in Section 83-17-53, acting as an insurance producer, limited lines producer or limited lines credit insurance producer \$200.00.

* * *

Every individual acting as an insurance producer, limited lines producer, limited lines credit insurance producer, supervising general agent or managing general agent for a business entity shall meet all requirements set forth in Title 83 and no individual shall be exempt from the privilege tax placed on him by this chapter.

(2) Upon each business entity, as defined in Section 83-17-53, acting as an insurance producer, limited lines producer or limited lines credit insurance producer that amends its privilege license by adding or deleting a line of authority or for the issuance of a duplicate license \$ 50.00.

* * *

SECTION 2. Section 27-15-87, Mississippi Code of 1972, is amended as follows:

27-15-87. (1) Upon each individual acting as an insurance producer, limited lines producer, limited lines credit insurance producer \$100.00.

(2) Upon each individual acting as an insurance producer, limited lines producer or limited lines credit insurance producer that amends its privilege license by adding or removing a line of authority or for the issuance of a duplicate license \$ 25.00.

* * *

SECTION 3. Section 27-15-89, Mississippi Code of 1972, is amended as follows:

27-15-89. (1) Upon each supervising general agent as defined in Section 83-17-1 \$100.00.

(2) Upon each managing general agent as defined in Section 83-18-103 \$100.00.

* * *

The privilege licenses issued under this section to "supervising general agents" shall not constitute authority to solicit business within the State of Mississippi, and shall be renewed annually at the time and in the manner prescribed by Section 83-17-25 on application forms which shall be furnished by the Commissioner of Insurance and shall show the name of the insurance company or companies such "supervising general agent" represents, and other additional information as may be required by the Commissioner of Insurance.

SECTION 4. Section 27-15-91, Mississippi Code of 1972, is amended as follows:

27-15-91. When any person, firm, corporation or solicitor pays a tax required under Sections 27-15-85, 27-15-87 and 27-15-89, the license so issued shall state the type, types or kinds of insurance such licensee is permitted and qualified to engage in. Whenever there is no specific privilege license tax levied against insurance agents not otherwise classified in this statute, same shall be issued under Sections 27-15-85, 27-15-87, 27-15-89, and this section, and shall state the type, types or kinds of insurance the licensee is licensed and qualified to engage in.

SECTION 5. Section 83-17-1, Mississippi Code of 1972, is amended as follows:

83-17-1. Whenever used in this chapter, the following words shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Agent" means an insurance producer as defined in this section.

* * *

(b) "Nonactive agent" means an individual who is retired, disabled or has not obtained from the Commissioner of Insurance a current continuous certificate. A nonactive agent shall not solicit new business or service existing businesses, but may receive renewal commissions.

(c) "Supervising general agent" refers to and includes any person, partnership, association or corporation having authority to serve as trustees, managers or administrators, except attorneys at law, for such licensed insurance companies or their insureds in the handling of insurance programs underwritten by such licensed insurance companies, or in which they may be participating.

(d) "Excess risk" means all or any portion of an insurance risk or contract of annuity for which application is made to an agent and which exceeds the amount of insurance or annuity which will be provided by the insurer for which such agent is licensed.

(e) "Rejected risk" means an insurance risk or annuity contract for which application has been made to an agent and which insurance or annuity contract is declined by the insurer for which such agent is licensed.

(f) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance.

(g) "Commissioner" means the Commissioner of Insurance of the State of Mississippi.

(h) "Controlled business" means policies of insurance to be issued to a producer, agent * * * or to his relatives, business associates, employers or employees, or in which they or either of them have an interest. No license shall be granted or

renewed to any agent or producer until the applicant certifies with the Commissioner of Insurance that the applicant shall in good faith engage in the insurance business as agent or producer * * *, and that he is not seeking a license for the purpose of acquiring or saving commissions, premiums or other valuable considerations on "controlled business." A violation of this paragraph shall be deemed to be probable if the commissioner finds that during any twenty-four-month period aggregate commissions or other compensations accruing in favor of the applicant with respect to his own interests or those of his family, relatives, employers, employees or business associates, as provided herein, have exceeded or will exceed thirty-five percent (35%) of the aggregate amount of commissions accruing to him as agent or his agency during such period of time. Nothing herein contained shall prohibit the licensing under a limited license as to motor vehicle physical damage insurance, any person employed by or associated with a motor vehicle sales agency with respect to insurance on a motor vehicle sold, serviced or financed by it. Whenever employment is terminated of any such person employed by or associated with any such agency, the Commissioner of Insurance shall be notified, and the license shall be cancelled immediately. It is further provided that the provisions of this paragraph likewise shall not apply with respect to sales of insurance by a lender or its affiliate covering the insurable interest of the lender.

SECTION 6. Section 83-17-25, Mississippi Code of 1972, is amended as follows:

83-17-25. No certificate of authority shall be issued to any agent who has not previously obtained from the commissioner a privilege license to act as an insurance agent; provided that agents or organizers of fraternal orders shall not be required to have such privilege license. * * *

The privilege licenses and filing fees required of life insurance companies, health and accident insurance companies, hospital insurance companies and fraternal insurance companies, * * * shall continue for the next ensuing twelve (12) months after January 1 of each year.

The privilege licenses and filing fees required of fire, casualty, liability, fidelity, surety, guaranty, inland marine, plate glass and title insurance companies shall continue for the next ensuing twelve (12) months after June 1 of each year.

The privilege license of an individual to act as an insurance producer, limited lines producer, limited lines credit insurance producer, supervising general agent or managing general agent shall continue from the date of issuance of original licenses or from the expiration date for existing licenses until the last day of the month of the licensee's birthday in the second year following issuance or renewal of the license, with a minimum term of thirteen (13) months.

The privilege license of a business entity to act as insurance producer, limited lines producer, limited lines credit insurance producer, supervising general agent or managing general agent shall continue from the date of issuance until May 31 in the second year following issuance or renewal of the license, with a minimum term of thirteen (13) months.

SECTION 7. Section 83-17-53, Mississippi Code of 1972, is amended as follows:

83-17-53. The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

(b) "Commissioner" means the Commissioner of Insurance.

(c) "Home state" means the District of Columbia and any state or territory of the United States in which an insurance producer maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer.

(d) "Insurance" means any of the lines of authority in Section 83-19-1.

(e) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance.

(f) "Insurer" means that as defined in Section 83-6-1.

(g) "License" means a document issued by the commissioner authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance carrier.

(h) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection (gap) insurance and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the commissioner determines should be designated a form of limited line credit insurance.

(i) "Limited line credit insurance producer" means a person who sells, solicits or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group or individual policy.

(j) "Limited lines insurance" means those lines of insurance defined in Section 83-19-1, Class 1(b), (e), (p) and (q) and Section 83-19-1, Class 2(d), Section 83-17-63 (1)(h), (i),

(j), (k) or any other line of insurance that the commissioner deems necessary to recognize for the purposes of complying with Section 83-17-65(5).

(k) "Limited lines producer" means a person authorized by the commissioner to sell, solicit or negotiate limited lines insurance.

(l) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, if the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(m) "Person" means an individual or a business entity.

(n) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

(o) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(p) "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

(q) "Uniform business entity application" means the current version of the NAIC uniform business entity application for resident and nonresident business entities.

(r) "Uniform application" means the current version of the NAIC uniform application for resident and nonresident producer licensing.

SECTION 8. Section 83-17-63, Mississippi Code of 1972, is amended as follows:

83-17-63. (1) Unless denied licensure under Section 83-17-71, persons who have met the requirements of Sections 83-17-59 and 83-17-61, shall be issued an insurance producer

license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

(a) Life: insurance coverage on human lives including benefits of endowment and annuities and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(b) Accident and health or sickness: insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income.

(c) Property: insurance coverage for the direct or consequential loss or damage to property of every kind.

(d) Casualty: insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

(e) Variable life and variable annuity products: insurance coverage provided under variable life insurance contracts and variable annuities.

(f) Personal lines: property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.

(g) Credit: limited line credit insurance.

(h) Car rental: limited line insurance offered, sold or solicited in connection with and incidental to the rental of rental cars, whether at the rental office or preselection of coverage in master, corporate or individual agreements that is nontransferrable, applies only to the rental car that is subject of the rental agreement and is limited to the following kinds of insurance:

(i) Personal accident insurance for renters and other rental car occupants, for accidental death or dismemberment, and for medical expenses resulting from an accident that occurs with the rental car during the rental period;

(ii) Liability insurance that provides protection to the renters and other authorized drivers of a rental car for liability arising from the operation or use of the rental car during the rental period;

(iii) Personal effects insurance that provides coverage to renters and other vehicle occupants for loss of, or damage to, personal effects in the rental car during the rental period;

(iv) Roadside assistance and emergency sickness protection insurance; or

(v) Any other coverage designated by the Commissioner of Insurance.

(i) Crop insurance: limited line insurance providing protection against damage to crops from unfavorable weather conditions, fire or lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or perils provided by the private insurance market, or that is subsidized by the Federal Crop Insurance Corporation, including Multi-Peril Crop Insurance.

(j) Surety: limited line insurance or bond that covers obligations to pay the debts of, or answer for the default of another, including faithlessness in a position of public or private trust. For purpose of limited line licensing, surety does not include Surety Bail Bonds.

(k) Travel: limited line insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

(l) Any other line of insurance permitted under state laws or regulations.

(2) An insurance producer license shall remain in effect unless revoked or suspended as long as the fee set forth in

Section 27-15-87 * * * is paid and education requirements for resident individual producers are met by the due date.

(3) An individual insurance producer who allows his or her license to lapse may, within twelve (12) months from the due date of the renewal fee, reinstate the same license without the necessity of passing a written examination. The penalty for such late renewal shall be in compliance with Section 27-15-215.

(4) A licensed insurance producer who is unable to comply with license renewal procedures due to military service or some other extenuating circumstances, including, but not limited to, a long-term medical disability may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(5) The license shall contain the licensee's name, address, personal identification number and the date of issuance, the lines of authority, the expiration date and any other information the commissioner deems necessary.

(6) Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of address within thirty (30) days of the change. Failure to timely inform the commissioner of a change in legal name or address shall result in a penalty under Section 83-17-71.

(7) In order to assist in the performance of the commissioner's duties, the commissioner may contract with nongovernmental entities, including the National Association of Insurance Commissioners (NAIC) or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of fees, related to producer licensing that the commissioner and the nongovernmental entity may deem appropriate.

SECTION 9. Section 83-17-251, Mississippi Code of 1972, is amended as follows:

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

(2) The prelicensing course of study hours shall consist of twenty (20) hours of approved prelicensing education courses per line of authority. The Commissioner of Insurance shall determine the content requirements for each prelicensing course of study. The prelicensing educational requirements of this section shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

(d) Nonactive agents as defined in Section 83-17-1.

SECTION 10. Section 83-17-253, Mississippi Code of 1972, is amended as follows:

83-17-253. (1) To qualify for credit towards satisfaction of the requirements of this section, an educational program must be a formal program of learning which contributes directly to the professional competence of the licensee and such program must meet the standards outlined herein for prelicensing educational and continuing educational programs. The subject of each course must be approved for the lines of insurance for which the licensee is granted educational credit.

(2) Formal programs requiring attendance or self-study may be considered for credit if the required fees are paid and they

meet the standards set forth by the commissioner. Course approval shall be valid for twenty-four (24) months from the date of issuance of approval.

* * *

(3) Continuing educational credit shall be allowed for service as an instructor of certified programs at any program for which participants are eligible to receive continuing educational credit. Credit for such service shall be awarded on the first presentation only unless a program has been substantially revised.

(4) Courses for prelicensing and continuing educational credit shall not be advertised or offered unless they have been approved by the commissioner or his designated advisory committee.

(5) The commissioner may grant exceptions to the requirements of this article for extenuating circumstances.

* * *

(6) The commissioner specifically reserves the right to approve or disapprove credit for prelicensing education and continuing education claimed under this section.

(7) The Commissioner of Insurance may require any original publisher or provider to submit all material to be used in his or her program to the Department of Insurance or his designee for review.

(8) All providers shall maintain a record of persons attending each course for not less than five (5) years and shall provide certificates of completion with hours earned to students upon their successful completion of each course. The certificate shall bear the course identification number as assigned by the Commissioner of Insurance or his designee.

(9) The Commissioner of Insurance may, in his discretion, designate an independent evaluation educational service to evaluate and administer education programs, subject to his direction and approval. The evaluation fee charged by such educational service shall be paid by the applicant to the service.

SECTION 11. Section 83-17-255, Mississippi Code of 1972, is amended as follows:

83-17-255. (1) A prelicensing and continuing educational advisory committee, comprised of at least three (3) but not more than seven (7) individuals, may be appointed by and shall serve at the pleasure of the Commissioner of Insurance to advise the commissioner concerning prelicensing and continuing educational standards. Each committee member shall agree to serve a minimum of two (2) years. The chairman of the committee shall be appointed by and shall serve at the pleasure of the commissioner.

(2) A majority of those present at any meeting of the educational advisory committee shall be a quorum for purposes of performing the duties of the committee under this section.

(3) The committee may advise the commissioner on program content and exceptions as permitted under this section.

(4) The committee shall be available to consider other related matters as the commissioner may assign.

SECTION 12. Section 83-17-257, Mississippi Code of 1972, is amended as follows:

83-17-257. (1) Educational providers shall submit proof of each attendee's successful completion of approved prelicensing and continuing educational programs to the Commissioner of Insurance in an electronic format approved by the commissioner within thirty (30) days of the course completion.

(2) The commissioner may grant exceptions to the requirements of this section for reasonable and just causes.

(3) The responsibility for establishing whether a particular course or other program for which credit is claimed is acceptable and meets the continuing educational requirements as set forth in this section rests solely on the licensee.

SECTION 13. Section 83-21-19, Mississippi Code of 1972, is amended as follows:

83-21-19. The Commissioner of Insurance, upon the biennial payment of a fee of One Hundred Dollars (\$100.00), may issue to a licensed resident or nonresident agent (based on a reciprocal agreement with the state of the nonresident agent), who is regularly commissioned to represent two (2) or more fire, marine, casualty or surety insurance companies licensed to do business in the state, a privilege license to place kinds of direct insurance affected hereby, to be evidenced by policies of insurance or certificates of insurance, in eligible nonadmitted insurers authorized to do business in this state. The privilege license shall continue from the date of issuance until the last day of the month of the licensee's birthday in the second year following issuance or renewal of the license, with a minimum term of twelve (12) months. Every insurance contract procured and delivered pursuant to Sections 83-21-17 through 83-21-31 shall have stamped upon it in bold ten-point type, and bear the name of the agent who procured it, the following: "NOTE: This insurance policy is issued pursuant to Mississippi law covering surplus lines insurance. The company issuing the policy is not licensed by the State of Mississippi, but is authorized to do business in Mississippi as a nonadmitted company. The policy is not protected by the Mississippi Insurance Guaranty Association in the event of the insurer's insolvency." No diminution of the license fee herein provided shall occur as to any license effective after January 1 of any year. The Commissioner of Insurance may require written application for such license.

SECTION 14. Section 27-15-93, Mississippi Code of 1972, which provides a tax on incorporated life, health or accident insurance agencies, incorporated supervising general agents and life insurance agents, is hereby repealed.

SECTION 15. Section 27-15-95, Mississippi Code of 1972, which provides a tax upon each person, other than an incorporated

insurance agency writing health and accident, or industrial life insurance, is hereby repealed.

SECTION 16. Section 27-15-99, Mississippi Code of 1972, which provides a tax upon each person writing exclusively land title insurance, is hereby repealed.

SECTION 17. Section 83-17-43, Mississippi Code of 1972, which requires all insurance solicitors to file with the Commissioner of Insurance an application for certificate of appointment as solicitor, is hereby repealed.

SECTION 18. Section 27-15-101, Mississippi Code of 1972, is amended as follows:

27-15-101. All taxes, fees or licenses charged and imposed by Sections 27-15-81 through 27-15-97 shall be collected by the Commissioner of Insurance as provided in this chapter, and if not paid as provided by law, penalty shall be imposed as in other cases of failure to pay privilege licenses; no license required by such sections shall be prorated. The form of license and the form of application to be made therefor shall be prescribed by the Commissioner of Insurance.

SECTION 19. Section 83-17-61, Mississippi Code of 1972, is amended as follows:

83-17-61. (1) A person applying for a resident insurance producer license shall make application to the commissioner on the uniform application and declare under penalty of refusal, suspension or revocation of the license that the statements made in the application are true, correct and complete to the best of the individual's knowledge and belief. Before approving the application, the commissioner shall find that the individual:

(a) Is at least eighteen (18) years of age;

(b) Has not committed any act that is a ground for denial, suspension or revocation set forth in Section 83-17-71;

(c) Where required by the commissioner, has completed a prelicensing course of study for the lines of authority for which the person has applied;

(d) Has paid the fees set forth in Section 27-15-87 * * *; and

(e) Has successfully passed the examinations for the lines of authority for which the person has applied.

(2) A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the uniform business entity application. Before approving the application, the commissioner shall find that:

(a) The business entity has paid the fees set forth in Section 27-15-85 * * *; and

(b) The business entity has designated a licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of this state.

(3) The commissioner may require any documents reasonably necessary to verify the information contained in an application.

(4) Each insurer that sells, solicits or negotiates any form of limited line credit insurance shall provide to each individual whose duties include selling, soliciting or negotiating limited line credit insurance a program of instruction that may be approved by the commissioner.

SECTION 20. Section 83-17-65, Mississippi Code of 1972, is amended as follows:

83-17-65. (1) Unless denied licensure pursuant to Section 83-17-71, a nonresident person shall receive a nonresident producer license if:

(a) The person is currently licensed as a resident and is in good standing in his or her home state;

(b) The person has submitted the proper request for licensure and has paid the fees required by Section 27-15-87 * * *;

(c) The person has submitted or transmitted to the commissioner the application for licensure that the person submitted to his or her home state, or a completed uniform application; and

(d) The person's home state awards nonresident producer licenses to residents of this state on the same basis.

(2) The commissioner may verify the producer's licensing status through the producer database maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries.

(3) A nonresident producer who moves from one state to another state or a resident producer who moves from this state to another state shall file a change of address and provide certification from the new resident state within thirty (30) days of the change of legal residence. No fee or license application is required.

(4) Notwithstanding any other provision of this article, a person licensed as a surplus lines producer in his or her home state shall receive a nonresident surplus lines producer license in accordance with subsection (1) of this section. Except as to subsection (1) of this section, nothing in this section otherwise amends or supersedes any provision of Sections 83-21-17 through 83-21-31.

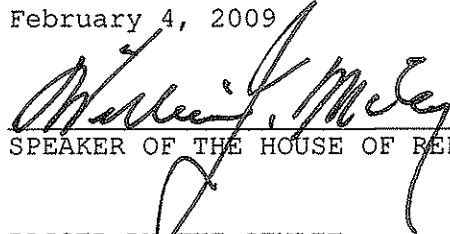
(5) Notwithstanding any other provision of this article, a person licensed as a limited line credit insurance or other type of limited lines producer in his or her home state shall receive a nonresident limited lines producer license in accordance with subsection (1) of this section, granting the same scope of authority as granted under the license issued by the producer's home state. For the purposes of this subsection, limited line

insurance is any authority granted by the home state which restricts the authority of the license to less than the total authority prescribed in the associated major lines under Section 83-17-63(1)(a) through (f).

SECTION 21. The compensation of the Deputy Commissioner of Insurance shall be fixed by the Commissioner of Insurance, subject to approval by the State Personnel Board, and shall be exempt from the provisions of Section 25-3-39.

SECTION 22. Sections 1 through 20 of this act shall take effect and be in force from and after November 1, 2009. Section 21 of this act shall take effect and be in force from and after July 1, 2009.

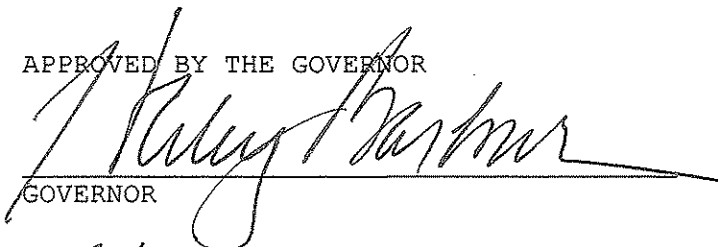
PASSED BY THE HOUSE OF REPRESENTATIVES
February 4, 2009


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 4, 2009


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

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