

**Part 1 Chapter 30:** (2002-2) Issuance of Limited Licenses to Motor Vehicle Rental Companies Permitting the Selling, Soliciting, or Negotiating of Insurance in Connection with Rental of Vehicles.

**Rule 30.01:** Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by Miss. Code Ann. §§ 83-17-1, 83-17-41, and 83-17-87 (Supp. 2001), as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Source: Miss. Code Ann. §§83-17-41; 83-17-87 (Rev. 2011)

**Rule 30.02:** Purpose

The purpose of this Regulation is to allow vehicle rental companies and their employees to obtain limited licenses to permit the selling, soliciting, or negotiating of specific categories of insurance in connection with the rental of vehicles in accordance with Miss. Code Ann. § 83-17-41.

Source: Miss. Code Ann. §83-17-41 (Rev. 2011)

**Rule 30.03:** Definitions

For the purposes of this Regulation, the following terms shall have the following meanings:

- A. "Commissioner" means the Commissioner of Insurance of the State of Mississippi.
- B. "Limited licensee" means a person or business entity authorized to sell, solicit, or negotiate certain coverage relating to the rental of vehicles pursuant to this regulation.
- C. "Rental agreement" means any written agreement setting forth the terms and conditions governing the use of a vehicle provided by the rental company for rental or lease.
- D. "Rental company" means any person or business entity in the business of providing primarily motor passenger vehicles to the public under a rental agreement. For the purposes of this Regulation, rental companies are a type of "vehicles sales agency" as provided in Miss. Code Ann. § 83-17-1 (Supp. 2001).
- E. "Rental period" means the term of the rental agreement.

- F. "Renter" means any person obtaining the use of a vehicle from a rental company under the terms of a rental agreement.
- G. "Vehicle" or "rental vehicle" means a motor vehicle of the private passenger type, including cars, passenger vans, minivans, and sport utility vehicles, and of the cargo type, including cargo vans, pickup trucks, and trucks with gross vehicle weight of less than twenty-six thousand (26,000) pounds and which do not require the operator to possess a commercial driver's license.

Source: Miss. Code Ann. §83-17-87 (Rev. 2011)

**Rule 30.04:** Authorization, Prerequisites, Violations

- A. The Commissioner may issue to a rental company that has complied with the requirements of this section a limited license authorizing the limited licensee to sell, solicit, or negotiate insurance in connection with the rental of vehicles. Each limited licensee rental company shall designate a licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of this state.
- B. As a prerequisite for issuance of a rental company's limited license under this section, there shall be filed with the Commissioner a written application for a limited license including the designation of at least one licensed producer in accordance with Miss. Code Ann. § 83-17-61 (2)(b) (Supp. 2001) and this Regulation, signed by an officer of the applicant rental company, using the form and containing such information as the Commissioner may prescribe.
- C. In the event that any applicable provision of Title 83 of the Mississippi Code, or any Regulation or of Bulletin issued by the Mississippi Department of Insurance is violated by a limited licensee, the Commissioner may, after a notice and a hearing place on probation, suspend, revoke or refuse to issue or renew the limited license or impose other administrative penalties in accordance with Miss. Code Ann. § 83-17-71 (Supp. 2001).

Source: Miss. Code Ann. §§83-17-71; 83-17-87 (Rev. 2011)

**Rule 30.05:** Categories of Insurance to be Offered: Requirements

- A. The rental company licensed pursuant to subsection (1) of Section 4 of this Regulation may sell, solicit, or negotiate insurance only in connection with an incidental to the rental of vehicles, whether at the rental office, over the internet or by pre-selection of coverage in a master, corporate, individual, or group rental agreement, in any of the following general categories:

1. Personal accident insurance covering the risks of travel, including, but not limited to, accident and health insurance that provides coverage, as applicable, to renters and other rental vehicle occupants for accidental death or dismemberment and reimbursement for medical expenses resulting from an accident that occurs during the rental period;
  2. Liability insurance which may include uninsured motorist coverage whether offered separately or in combination with other liability insurance, that provides coverage, as applicable, to renters and other authorized drivers of rental vehicles for liability arising from the operation of the rental vehicle;
  3. Personal effects insurance that provides coverage, as applicable, to renters and other vehicle occupants for the loss of, or damage to, personal effects that occurs during the rental period; and
  4. Such other motor vehicle related insurance as may be approved by the Commissioner.
- B. No insurance may be issued by a limited licensee pursuant to this section unless the coverage is placed with a licensed insurer as defined in Miss. Code Ann. § 83-6-1. All rates, disclosures, and policy forms must be approved by the Mississippi Department of Insurance in accordance with Miss. Code Ann. § 83-2-5 prior to use.
- C. The categories of insurance set forth in this section and governed by this Regulation shall not include a Rental Company's agreement to waive its right of indemnity against a Renter for damages to the rental vehicle.

Source: Miss. Code Ann. §83-17-41 (Rev. 2011)

**Rule 30.06: Facsimile Signatures**

Facsimile signatures may be used in accordance with Miss. Code Ann. § 83-17-21.

Source: Miss. Code Ann. §83-17-21 (Rev. 2011)

**Rule 30.07: Prohibition Against Advertisement as Agent or Broker**

No limited licensee under this Regulation shall advertise, represent, or otherwise hold itself or any of its employees out as licensed insurers, insurance agents, or insurance brokers.

Source: Miss. Code Ann. §83-17-87 (Rev. 2011)

**Rule 30.08: Payment of Premium**

Premium payments should be made payable either to the Insurance Company issuing the policy or the motor vehicle rental company which has obtained this limited license. If the payment is made payable to the licensed motor vehicle rental company, then it will be the rental company's responsibility to forward such premium funds to the insurance company.

Source: Miss. Code Ann. §83-17-87 (Rev. 2011)

**Rule 30.09: Severability**

If any provision of any section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of this Regulation are declared to be severable.

Source: Miss. Code Ann. §83-5-1 (Rev. 2011)

**Rule 30.10: Effective Date**

The Effective Date of this Regulation shall be thirty (30) days from and after its adoption and filing with the Secretary of State's Office of the State of Mississippi.

Source: Miss. Code Ann. §25-43-3.113 (Rev. 2011)