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BULLETIN 2020-2 MISSISSIPPI INSURANCE DEPARTMENT

REQUESTED AUDIT OF PREMIUM OF COMMERCIAL POLICIES DURING THE COVID-19 CRISIS March 23, 2020

On March 14, 2020, Governor Tate Reeves declared a state of emergency invoking his emergency powers pursuant to Miss. Code Ann. § 33-15-11, and directed state agencies to discharge their emergency responsibilities as deemed necessary. In accordance with the Proclamation and Miss. Code Ann. §§ 33-15-11(b)(9) and 33-15-11(c)(4), there was a delegation of those emergency powers to the Commissioner of Insurance which allows him, in his discretion, to promulgate emergency regulations and guidelines to promote and secure the safety and protection of the citizens of this State.

The state of emergency was declared to address the high risk for an outbreak of the novel coronavirus, identified as COVID-19, in this State. As every business in this State is affected, it will be imperative that the insurance industry and employers work together to ensure a viable commercial market, specifically as it relates to the premium audit of commercial insurance policies during a specified policy period.

With regard to commercial insurance policies rated using auditable exposure bases, including but not limited to payroll, sales, enrollment, attendance, occupancy rates, square footage or any other basis now impacted by the COVID-19 economic downturn, the Commissioner strongly encourages insurance companies to allow, when requested, mid-term audits, self-audits or other adjustments to rating bases thereby reducing the associated premium and more accurately reflecting annual exposure projections. This Bulletin is not intended to waive carriers' rights or responsibilities to perform a final audit at policy expiration.

The actions taken by Governor Reeves, and this office are intended to protect the citizens of this State and to help limit the duration of this crisis. Therefore, the Commissioner strongly encourages insurers to comply with the provisions of this Bulletin and work with employers as everyone continues to assess the impact of the COVID-19 crisis.

Should you have any questions regarding this Bulletin, please contact the Department's legal division at 601-359-3577 or Deputy Commissioner Mark Haire at Mark.Haire@mid.ms.gov.

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