

**2015 Legislative Bill Summary
Mississippi Insurance Department**

Commissioner Mike Chaney

May 6, 2015

INTRODUCTION

This Summary is a compilation of bills, sorted by subject matter, relevant to the Mississippi Insurance Department and signed into law after the 2015 Session of the Mississippi Legislature.

A hyperlink is provided after each bill that links to the actual bill text on the Mississippi Legislature website, <http://www.legislature.ms.gov>.

Throughout the document, for brevity, reference is made to the Mississippi Insurance Commissioner as "Commissioner". The Mississippi Insurance Department is referred to as MID.

The Mississippi Insurance Department remains at your service to answer any questions regarding the content of this report.

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I. Automobile Insurance

a. HB 346 Chism

MS Code Ann § 16-15-3

Title: Motor Vehicle Safety-Responsibility liability insurance may contain exclusions if filed with and approved by Commission of Insurance.

Summary: Liability insurance required under the Motor Vehicle Safety-Responsibility law may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner.

Effective Date: July 1, 2015

Read Bill—[HB 346 \(As Sent to Governor\) - 2015 Regular Session](#)

b. HB 389 Denny, Nelson, Haney

MS Code Ann § 63-1-73

Title: Texting, prohibit while driving.

Summary: All operators of moving vehicles are prohibited from writing, sending or reading text messages and from accessing, reading or posting to social networking sites using hand-held mobile telephones while driving. Voice operated or hands-free devices are exempted. The fine is \$25 until July 1, 2016 and \$100 thereafter. This Act is repealed July 1, 2018.

Effective Date: July 1, 2015

Read Bill–[HB 389 \(As Sent to Governor\) - 2015 Regular Session](#)

c. HB 946 Gipson

MS Code Ann §§ 63-16-3, 5, 7, 9, 13

Title: Public Safety Verification and Enforcement Act, Revision

Summary: DPS may contract with a vendor to establish a system that receives insurance data transfers in IICMVA format no more often than every 30 days. LE officers may exercise discretion in issuing citations during the 60 days after a temporary insurance card is issued.

Effective Date: Upon passage, signed by the Governor on April 20, 2015.

Read Bill–[HB 946 \(As Sent to Governor\) - 2015 Regular Session](#)

d. SB 2380 Jackson (11th), Jordan, Dawkins, Butler (38th), Jones, Simmons (12th), Montgomery, Watson, Turner, Butler (36th), Horn, Blount, Massey, Parker, Hopson, Frazier, Simmons (13th), Gandy, Jolly, Hale, Hudson, Jackson (32nd), Burton, Longwitz, Stone

MS Code Ann § 63-15-4

Title: Electronic Image of an Insurance Card serves as proof of auto liability insurance.

Summary: A vehicle owner/operator may display the required insurance card by electronic image on a cellular phone or other electronic device as proof of motor vehicle liability insurance. No law enforcement officer may access any other function or image when enforcing this section.

Effective Date: July 1, 2015

Read Bill– [SB2380 \(As Sent to Governor\) - 2015 Regular Session](#)

II. Health Insurance

a. HB 110 Smith (39th)

MS Code Ann § 25-15-101, 103

Title: To remove certain restrictions placed on governing boards of political subdivisions to qualify as a self-insurer for group insurance.

Summary: Added boards for “community college districts” to those political subdivisions eligible to secure group insurance for life, salary protection, health, accident, hospital and medical benefits as long as the group is no less than 125 employees. No change to MS Code Ann § 25-15-103

Effective Date: July 1, 2015

Read Bill– [HB 110 \(As Sent to Governor\) - 2015 Regular Session](#)

b. HB 204 Mims

MS Code Ann §§ 73-6-5, 73-9-13, 73-15-17, 73-19-9, 73-26-5 and 73-43-11

Title: An Act that prohibits conditioning of medical licensure of certain health care providers based on participation in public/private insurance plans and meaningful use of electronic health records.

Summary: Incorporates language that prohibits conditioning licensure of chiropractors, dentists, registered nurses, optometrists, physician assistants, physicians or osteopaths as related to participation in public/private insurance plans, public health care systems, public service initiatives, emergency room coverage or compliance with “meaningful use” of electronic health records per CFR 5, Part 170.

Effective Date: July 1, 2015

Read Bill—[HB 204 \(As Sent to Governor\) - 2015 Regular Session](#)

c. HB 873 Moore, Scott, Hines

MS Code Ann § 25-15-15

Title: Prohibit premium surcharge for use/nonuse of tobacco-related products by State and School Employee Health Insurance Management Board.

Summary: The State and School Employee Health Insurance Management Board may not impose a premium surcharge or any premium differential on any class of participant of the plan based on use/nonuse of tobacco-related products. This section is repealed on July 1, 2018.

Effective Date: July 1, 2015.

Read Bill—[HB 873 \(As Sent to Governor\) - 2015 Regular Session](#)

d. HB 885 Massengill, Bain, Barker, Barton, Bell, Evans (43rd), Hood, Jennings, Ladner, Lamar, Miles, Nelson, Oberhausen, Rogers (14th), Staples, Steverson, Sullivan, White

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: Autism-related treatment and health insurance coverage.

Summary: Health Insurance policies shall provide coverage for screening, diagnosis and treatment of autism spectrum disorder commencing January 1, 2016. A Mississippi Autism Board is created and shall consist of five members appointed by the Governor (3) and Lt. Governor (2). In addition to adopting regulations to enforce this act, any person practicing applied behavior analysis must be licensed by the Board.

Effective Date: July 1, 2015

Read Bill—[HB 885 \(As Sent to Governor\) - 2015 Regular Session](#)

e. HB 952 Busby, Barker, Brown (20th), Chism, DeBar, DeLano, Lamar, Zuber, Miles

MS Code Ann §§ 83-9-24, 25-15-9

Title: Prohibit health plans that cover injected, intravenous or oral anti-cancer medications from requiring higher co-pays, deductibles or coinsurance for patient administered medications.

Summary: § 83-9-24 prohibits health plans that cover injected, intravenous or oral anti-cancer medications from requiring higher co-pays, deductibles or coinsurance for patient administered medications. § 25-15-9 modified to include board authority to accept bids for surgical services that include locating a surgeon, consultation, travel and a case rate bundle for orthopedic, spine, bariatric, cardiovascular and general surgeries. No later than Jan. 1, 2016, the state health plan shall not require a higher co-payment, deductible or coinsurance for patient-administered anti-cancer medications including certain orally administered or self-injected medications.

Effective Date: July 1, 2015

Read Bill—[HB 952 \(As Sent to Governor\) - 2015 Regular Session](#)

f. HB 1392 Formby

MS Code Ann § 25-15-15

Title: Extend the Repealer on requirement that the State of Mississippi pay certain amounts toward the cost of the State Employees Health Insurance Plan.

Summary: Extend the Repealer from 2015 to 2018 on requirement that the State of Mississippi pay certain amounts toward the cost of the State Employees Health Insurance Plan.

Effective Date: July 1, 2015

Read Bill—[HB1392 \(As Sent to Governor\) - 2015 Regular Session](#)

g. SB 2441 Carmichael

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: Define “Provider-Sponsored Health Plan”, require MID to establish a process for certification and minimum requirements for Provider-Sponsored Health Plans

Summary: Provider-Sponsored Health Plans are formed to operate not-for-profit health plans in Mississippi. Such health plans would contract with the Division of Medicaid to provide managed care services. MID will certify that any entity applying for such health plan meets the definition and requirements as either an HMO or insurance company. This is not to be construed as giving MID responsibility or authority for operation of the state Medicaid program.

Effective Date: July 1, 2015

Read Bill—[SB2441 \(As Sent to Governor\) - 2015 Regular Session](#)

h. SB 2687 Burton, McDaniel, Watson

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: The Mississippi Direct Primary Care Act.

Summary: Direct Primary Care, as established by this act, shall not be considered an insurance product and is not considered to be engaging in the business of insurance. Primary care providers are not required to obtain a certificate of authority or license to sell or offer a direct primary care agreement. Primary care providers do not fall under the jurisdiction of MID.

Effective Date: July 1, 2015

Read Bill– [SB2687 \(As Sent to Governor\) - 2015 Regular Session](#)

III. Insurance Department

a. SB 2012 Carmichael, Jackson (11th)

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: Authorize Commissioner to enjoin any person, company, corporation or association from engaging in unlicensed activities.

Summary: The Commissioner has the authority to issue a cease and desist order to any person, company, corporation or association who is engaging in unlicensed activities with or without notice. If issued with no notice the respondent may request a hearing within 20 days.

Effective Date: Upon passage, signed by the Governor on March 30, 2015.

Read Bill– [SB2012 \(As Sent to Governor\) - 2015 Regular Session](#)

IV. Limited Lines Insurance

a. HB 1121 Monsour, Carpenter, Espy, Holland, Staples, Young

MS Code Ann § 83-19-31

Title: To increase maximum life insurance policy for industrial life insurers from \$5,000 to \$10,000.

Summary: Raises limit of industrial life insurance policy from \$5,000 to \$10,000.

Effective Date: July 1, 2015

Read Bill– [HB1121 \(As Sent to Governor\) - 2015 Regular Session](#)

b. SB 2230 Kirby

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: Creates the Limited Lines Travel Insurance Act.

Summary: Authorizes the formation and licensure of Limited Lines Travel Insurance producers. The Commissioner may issue to individuals or business entities a license to sell, solicit, or negotiate travel insurance through a licensed insurer.

Effective Date: July 1, 2016 **(N.B.)**

Read Bill—[SB2230 \(As Sent to Governor\) - 2015 Regular Session](#)

c. SB 2443 Carmichael, Jackson (11th)

MS Code Ann §§ 83-17-7, 55, 63, 73

Title: Provide that employees and agents of limited license rental car companies may receive compensation for activities under the rental care company's limited license that is incidental to their overall compensation. Those employees and agents shall be deemed to be licensed and not require any additional licensing.

Summary: Employees and authorized agents of limited license rental car companies may receive compensation for activities under the rental car company's limited license that is incidental to their overall compensation including commissions, bonuses and other consideration. They may also offer, sell or solicit in connection with car rentals certain kinds of insurance (accident, liability, roadside assistance, etc.) under the rental car limited license and not require any additional licensing.

Effective Date: July 1, 2015

Read Bill—[SB2443 \(As Sent to Governor\) - 2015 Regular Session](#)

V. Property & Casualty

a. HB 739 Delano, Busby, Bennett, Baria, Willis, Eure, Monsour, Crawford, Haney, Patterson, Anderson

MS Code Ann § _____ (Code Section to be assigned by Publisher & Joint Code Committee)

Title: Property Insurance Clarity Act

Summary: The Act authorizes MID to receive and aggregate insurer's homeowner claims loss data for determining accuracy and adequacy of catastrophic models and determine the accuracy and adequacy of rates by data calls. Commencing Oct. 1, 2015, and triennially thereafter, insurers shall provide information on direct incurred losses, premiums, policy limits, reinsurance and number of policies. Specific company information will remain confidential. MID will aggregate and publish the data and methodology. Companies failing to comply will be fined \$2500 per month. This act is repealed on July 1, 2022

Effective Date: July 1, 2015

Read Bill—[HB 739 \(As Sent to Governor\) - 2015 Regular Session](#)

b. HB 1407 Formby

MS Code Ann § 83-1-191

Title: Extend the Repealer on the Comprehensive Hurricane Damage Mitigation Program.

Summary: Extend the Repealer from 2015 to 2018 on the Comprehensive Hurricane Damage Mitigation Program.

Effective Date: July 1, 2015

Read Bill– [HB1407 \(As Sent to Governor\) - 2015 Regular Session](#)

VI. State Fire Marshal

a. HB 434 Frierson

MS Code Ann (N/A)

Title: State Budget Revisions, including funding for the MID Rural Fire Truck Acquisition Program.

Summary: Directs the State Fiscal Officer to transfer \$3 Million from the Mississippi Surplus Lines Association to the MID Rural Fire Truck Acquisition Fund and/or the Supplemental Rural Fire Truck Fund.

Effective Date: Upon Passage signed by the Governor on April 22, 2015.

Read Bill– [HB 434 \(As Sent to Governor\) - 2015 Regular Session](#)

b. HB 830 Snowden

MS Code Ann § 75-57-101

Title: LC Gas Board Travel Expenses.

Summary: This bill authorizes LC Gas Board Members to be reimbursed for travel expenses as provided by law to attend their required meetings.

Effective Date: July 1, 2015

Read Bill– [HB 830 \(As Sent to Governor\) - 2015 Regular Session](#)

c. HB 1553 Frierson, Jennings, Clarke, Barker, Bounds, DeLano, Eaton, Eure, Sullivan

MS Code Ann N/A

Title: MID Appropriations

Summary: Authorizes \$3 Million to the Rural Fire Truck Acquisition Assistance Fund and the Supplemental Rural Fire Truck Fund. Reauthorizes \$1.45 Million to the Rural Fire Truck Acquisition Assistance Fund and the Supplemental Rural Fire Truck Fund. Authorizes \$100,000 each from the County Volunteer Fire Department Fund and the Municipal Fire Protection Fund for the establishment of a telemedicine medical health plan for volunteer fire fighters.

Effective Date: July 1, 2015

Read Bill– [HB1553 \(As Sent to Governor\) - 2015 Regular Session](#)

d. HB 1554 Frierson, Jennings, Clarke, Barker, Bounds, DeLano, Eaton, Eure, Sullivan

MS Code Ann N/A

Title: Fire Academy Appropriations

Summary: Authorizes \$5.8 Million for the State Fire Academy expenses.

Effective Date: July 1, 2015

Read Bill– [HB1554 \(As Sent to Governor\) - 2015 Regular Session](#)

e. SB 2278 Jolly

MS Code Ann § 75-57-101

Title: LC Gas Board Travel Expenses.

Summary: This bill authorizes LC Gas Board Members to be reimbursed for travel expenses as provided by law to attend their required meetings.

Effective Date: July 1, 2015

Read Bill– [SB2278 \(As Sent to Governor\) - 2015 Regular Session](#)