

Mississippi Secretary of State  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME MS Department of Insurance		CONTACT PERSON Stephanie L. Ganucheau	TELEPHONE NUMBER (601) 359-3577	
ADDRESS P.O. Box 79		CITY Jackson	STATE MS	ZIP 39205
EMAIL Stephanie.ganucheau@mtd.state.ms.us	SUBMIT DATE 7-11-2011	Name or number of rule(s): Regulation P&C 64-1 : Agent, Non-Resident, Solicitation in this State		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Provisions in this rule superseded by Miss. Code Ann. § 83-17-1, et seq.

Specific legal authority authorizing the promulgation of rule: Miss. Code §83-5-1

List all rules repealed, amended, or suspended by the proposed rule: None.

**ORAL PROCEEDING:**

- An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

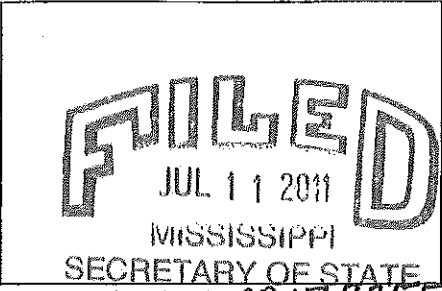
**ECONOMIC IMPACT STATEMENT:**

- Economic impact statement not required for this rule.  Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	<b>Action proposed:</b> <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input checked="" type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference <b>Proposed final effective date:</b> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	<b>Date Proposed Rule Filed:</b> _____ <b>Action taken:</b> <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed <b>Effective date:</b> <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Stephanie L. Ganucheau, Special Asst. Atty. General

Signature of person authorized to file rules: *[Handwritten Signature]*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <i>CB 17925E</i>	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Regulation F&C 64-1**

AGENT, NON-RESIDENT, SOLICITATION IN THIS STATE

**REPEAL**

April 2, 1964

~~NOTICE TO ALL INSURANCE COMPANIES OPERATING IN MISSISSIPPI.~~

~~Due to certain situations which have come to the attention of the Department, the following comments are in order.~~

~~Please be advised that:~~

~~(1) A non-resident fire and/or casualty agent may not directly or indirectly solicit any risk of any kind or nature inside the limits of the State of Mississippi. This law embraces disability, accident and health insurance, whether individual or group policies. Likewise, there can be no division of commission on insurance of this category with a non-resident agent. No commission can be divided with a non-resident agent on property located in the State of Mississippi owned by a resident of the State of Mississippi.~~

~~(2) The Mississippi insurance laws do not permit solicitation of insurance via credit card; the placing of advertising brochures and/or applications for insurance in credit card mailing constitutes solicitation under our laws and is a violation on the part of the insurance company underwriting the business.~~

~~(3) All future filings made to the Insurance Department and/or Insurance Commission must state the method of solicitation to be employed in marketing the filing if other than through a licensed local agent.~~

~~This notice is an effort to clarify the apparent erroneous interpretation given to our Ruling Governing Payment and Division of Agents Commissions, date September 5, 1963. Item (3) above is prompted by the fact that many companies make routine filings of policy forms which are approved, and it is later found that the method of solicitation to be employed in their use is in violation of our laws, such as credit card, diners club, athletic and religious group connections.~~

~~Please acknowledge receipt of this notice.~~ \_\_\_\_\_

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WALTER DELL DAVIS  
COMMISSIONER OF INSURANCE