

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. Ganuchau	TELEPHONE NUMBER (601) 359-3577	
ADDRESS P.O. Box 79		CITY Jackson	STATE MS	ZIP 39205
EMAIL Stephanie.ganuchau@mid.state.ms.us	SUBMIT DATE 7-11-2011	Name or number of rule(s): Regulation LA&H 64-1 ; Ruling Governing Payment and Division of Agents Commissions on Certain LA&H Products		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Provisions in this rule superseded by Miss.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List all rules repealed, amended, or suspended by the proposed rule: None.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**

\_\_\_\_ Original filing  
 \_\_\_\_ Renewal of effectiveness  
 To be in effect in \_\_\_\_ days  
 Effective date:  
 \_\_\_\_ Immediately upon filing  
 \_\_\_\_ Other (specify): \_\_\_\_

**PROPOSED ACTION ON RULES**

Action proposed:  
 \_\_\_\_ New rule(s)  
 \_\_\_\_ Amendment to existing rule(s)  
 Repeal of existing rule(s)  
 \_\_\_\_ Adoption by reference  
 Proposed final effective date:  
 30 days after filing  
 \_\_\_\_ Other (specify): \_\_\_\_

**FINAL ACTION ON RULES**

Date Proposed Rule Filed: \_\_\_\_  
 Action taken:  
 \_\_\_\_ Adopted with no changes in text  
 \_\_\_\_ Adopted with changes  
 \_\_\_\_ Adopted by reference  
 \_\_\_\_ Withdrawn  
 \_\_\_\_ Repeal adopted as proposed  
 Effective date:  
 \_\_\_\_ 30 days after filing  
 \_\_\_\_ Other (specify): \_\_\_\_

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

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

**OFFICIAL FILING STAMP**

Accepted for filing by

**DO NOT WRITE BELOW THIS LINE  
 OFFICIAL FILING STAMP**

**FILED**  
 JUL 11 2011  
 MISSISSIPPI  
 SECRETARY OF STATE

Accepted for filing by *[Handwritten Signature]*

**OFFICIAL FILING STAMP**

Accepted for filing by

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

**Regulation LA&H 64-1**

RULING GOVERNING PAYMENT AND DIVISION OF AGENTS' COMMISSIONS ON  
ACCIDENT, HEALTH, HOSPITAL AND/OR DISABILITY POLICIES AND/OR  
CERTIFICATES OF INSURANCE

**REPEAL**

~~RULING GOVERNING PAYMENT AND DIVISION OF  
AGENTS COMMISSIONS ON ACCIDENT, HEALTH,  
HOSPITAL AND/OR DISABILITY INSURANCE  
POLICIES AND/OR CERTIFICATES OF INSURANCE.~~

~~By virtue of the authority vested in me as Commissioner of Insurance, I do hereby promulgate the following rules and regulations regarding division of resident agent commissions on policies covering hospital, accident, health, and/or disability only, with agents of other states.~~

~~(1) This ruling shall supersede all prior rulings by the undersigned or his predecessors in office, and supersedes all previously issued amendments or supplements to any of said rulings.~~

~~(2) This ruling applies to and regulates payment and division of commission on accident, health, hospital, and/or disability insurance policies when issued by insurance companies or carriers doing business in Mississippi through resident local agents compensated on a commission basis.~~

~~(3) It shall be unlawful for an insurance company to pay or allow any part of the resident local agent's commission to anyone except a licensed resident local agent of this state, duly appointed by such company.~~

~~(4) Resident local agents of this state shall not divide commissions or pay so-called brokerage to regularly licensed non-resident agents of a state that does not permit division of commissions with resident local agents of this state.~~

~~(5) Except as provided in (4) supra, resident local agents of this state shall be permitted to pay an amount not to exceed fifty per cent of the regular local agent's commission to duly licensed non-resident agents of other states where said non-resident agent has bona fide assisted in obtaining or writing the insurance upon which said brokerage or commission is paid; provided, however, nothing contained herein shall permit a duly licensed non-resident agent directly or indirectly to solicit insurance within this state; and provided, further, said non-resident agent shall have complied with all of the other provisions of law applicable thereto.~~

~~(6) No insurance company or agent shall pay or allow any commission or brokerage or other valuable consideration to any non-resident agent on premiums paid for insurance issued to or covering employees of the State of Mississippi or subdivision or department thereof, or their dependents.~~

~~(7) Any insurance company, non-resident agent or broker doing business in the State of Mississippi shall be presumed to know the requirements of the Mississippi countersignature law and rules and regulations of this State governing division of commission. The act of any such person or company offering, requesting or proposing to have insurance policies or endorsements countersigned other than provided for by the laws of this State and the rules and regulations set~~

~~forth herein shall be prima facie evidence of intent to violate said laws and regulations of the state, and shall subject said person or company to investigation by the Department of Insurance and the penalties imposed by law.~~

~~(8) A resident local agent shall not accept, pay, or allow brokerage, commission, or anything of value for lines or type of insurance for which he does not hold a license to solicit and a certificate of authority from a licensed company providing facility for the writing of such line of insurance.~~

~~(9) No policy of insurance, duplicate policy, or contract of insurance of any kind or character, or any general or floating policy, upon persons in this state, shall be issued without the actual countersignature of the Mississippi resident agent. This applies to group contracts where individual premiums are collected and/or individual policies, duplicate policies or contracts of insurance are issued to citizens of this state, whether such group contracts be issued under a master policy to a common employer or an association of persons.~~

~~(10) This ruling is to take effect and be in force from and after July 15, 1964.~~

~~So Ordered This 1<sup>st</sup> day of July, 1964.~~

\_\_\_\_\_  
\_\_\_\_\_  
WALTER DELL DAVIS  
COMMISSIONER OF INSURANCE

wdd:1