

# BIG I | MISSISSIPPI

INDEPENDENT INSURANCE AGENTS OF MISSISSIPPI

VOLUME 42 • NUMBER 3 • SUMMER 2022

2022-23 IIAAM CHAIRMAN

**AMY SMITH**





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Abbey Lea

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# BIG I | MISSISSIPPI

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# FROM THE COMMISSIONER

by Mike Chaney  
INSURANCE COMMISSIONER

I'm often asked what the next big thing in insurance is. Right now, I'd say it's pet insurance. As chair of the C committee for the National Association of Insurance Commissioners, we've been working on pet insurance for a year and a half. Pets are considered property, so it falls under property and casualty insurance and we've got a few people selling it in Mississippi already. But now, companies selling health insurance and medical supplements want to start selling pet insurance. So, we're looking at how to license and educate agents.

Many new laws went into effect on July 1st. I was glad to see a telemedicine bill pass and a law to increase how many first responders the State Fire Academy can train. The legislature also authorized another round of funds for the rural fire truck program. We estimate the program has saved Mississippi homeowners about \$1.65 billion since the program started in 1995.

The state has put more than \$53 million towards fire trucks to date. Individual counties put up the rest, totaling more than \$182 million. Right now, we are waiting on 54 trucks to arrive. This is important because there were 84 fire deaths in 2021 in all of Mississippi. That's a dramatic increase over the 62 deaths in 2020. We need these fire trucks. We need firefighters to train at our academy. Moreover, we need people across our state to take safety precautions.

Hurricane season has started and it's time to encourage your clients to review their insurance coverage and make a home inventory so that it's easier to file a claim if there's a storm. My office ran a hurricane preparedness commercial recently. And we ran it across the state of Mississippi because we want everyone from D'Iberville to Pontotoc to Corinth to get ready. Because it's not a matter of if we get hit by another named storm – it's WHEN.

The commercial caught the attention of someone on Twitter who was critical.

They said, "why run a commercial about hurricanes in Tupelo?" I'll tell you why – a named storm like Katrina did cause damage hundreds of miles from her center. Just ask folks in Columbus!

Over the past 12 months, my office has seen four companies withdraw from the coast over reinsurance. About 15,000 policies have moved to other companies. Inflation is also changing the insurance industry. Goods and services are higher so companies are passing that along to customers. We need rate increases to cover the increased cost of business. Additionally, materials costs are up causing roof claim issues. My office normally doesn't get involved with that, but we are dealing with companies and adjustors directly to address some of these issues.

It was wonderful visiting with the agents at the IIAM Convention in Destin in June. If my office can help you in any way please reach out. As always, I'm happy to assist you. Stay safe!

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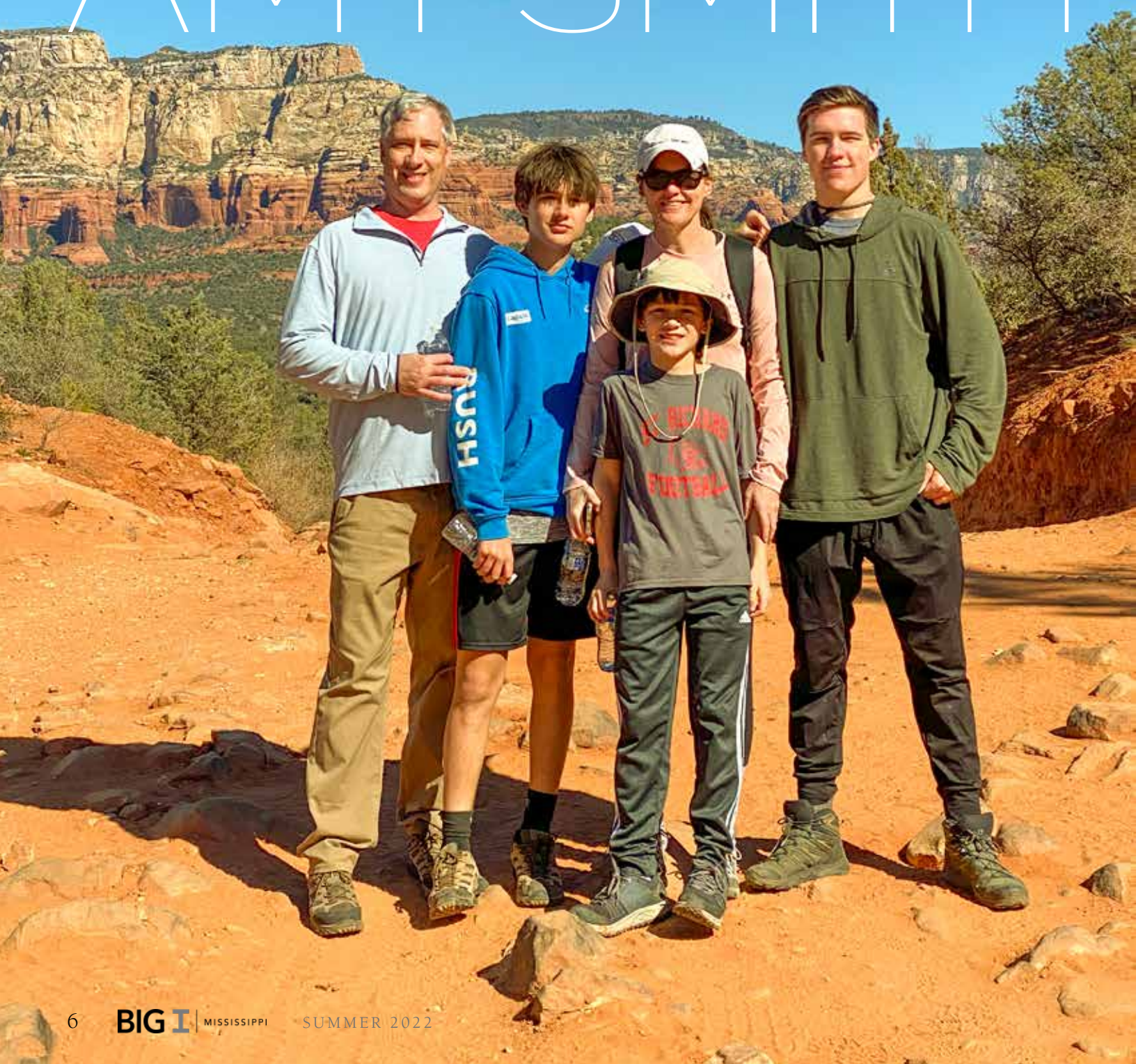
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# MEET THE IIAM CHAIRMAN

# AMY SMITH



**Please share with us some personal background as to where you grew up, went to school and most importantly about your family.**

I grew up in Jacksonville, Florida and graduated from Bishop Kenny High School. For college, I went to the University of Florida (Go Gators!), where I graduated with a degree in Finance. I have resided in the Jackson, Mississippi area for almost 25 years, having been married to Alan Smith for over 20 years. We have three sons, Andrew (17), Benjamin (14) and Charlie (10) and live in Madison.

**Describe your career path which led you to be an independent agent.**

Immediately after graduating from college, I started my insurance career as an Underwriting Trainee for Zurich Insurance Company in its Jackson office. I must admit that, when I was offered the Zurich job, I had to look at a map to figure out where Jackson was located because, growing up in Florida, I was not familiar with much about Mississippi. The Zurich job turned out to be a fantastic way to start my insurance career. I had some great mentors and trainers in Zurich's Jackson office, who took in with open arms a 21-year-old who was straight out of college and far away from her family, making me one of their own. After about two years in Jackson, I was transferred to Chicago and worked in Zurich's downtown office. Wanting to get back down South, I moved back to Jackson and began working at Ross & Yerger where I started out in the New Business Marketing Department. Twenty years later, I am now a shareholder and Executive Vice President in the company and manage the Commercial Lines Department.



**How did you become involved with Big I Mississippi?**

I have been going to the annual convention for 20+ years, which resulted in me becoming acquainted with many of the persons holding leadership roles in the Big I. I was invited to be on the Board of Directors which, after several years, resulted in me becoming a member of the Executive Committee where I have served the past few years. I am honored to be the 2022-2023 Chairperson for the Association.

**What do you think is the biggest challenge of running an agency today?**

I believe that staffing is the biggest challenge faced by agencies today. Finding good employees is not easy. Then, once you find them, training is difficult with so many people working in a hybrid work schedule, including remote work-from-

home arrangements. We will need to think outside the box on where to find new skilled people for our industry.

**What are you looking forward to most during your term as Chairman?**

I am looking forward to working on issues that I believe will help all agencies throughout Mississippi, regardless of agency size. At the recent Executive Committee retreat, we finalized several issues to focus on within the next year. As I mentioned earlier, staffing is a big issue and generated a significant amount of discussion at the retreat. One of the ideas to address staffing is for the Association to work more closely with the universities in our state. Specifically, I would like to get agents into college classrooms to explain how independent insurance agencies work, with a focus on highlighting the variety of jobs and career opportunities that exist



in all agencies (large and small), so that students can better understand what we do. Another hot topic is technology. Everyone on the agency side constantly hears the word “Insurtech” tossed about, with new product offerings coming out seemingly on a weekly basis, but in my experience, no one really knows where to begin in sorting through all of this. To assist our members, the Big I will be rolling out a new program that gives each agency member a platform for where to start in the agency technology process. It should be extremely useful for all agencies.

**How has your Big I Mississippi membership helped you, both personally and professionally?**

I have met some really amazing people who have assisted me and provided guidance throughout my career and continue to do so, resulting in many professional relationships that have also grown into personal friendships. Having had the opportunity to come in and get to know people to the point where

the Board would trust me to hold a leadership position has been extremely gratifying to me, both professionally and on a personal level.

**With this year’s convention celebrating our 125th anniversary, what would you say most stands strong about this association?**

This Association is very special in that, as independent agents we are all competitors, but our collaborative involvement in the Big I results in us being friends as well. I believe that this combination of competitor/friend is rare in any industry. Also, as I have become more involved in the Big I, I have learned how important governmental issues are to all of us and how having a voice in both Jackson and Washington is vital for all our agencies. The Young Agent’s program has grown immensely over the years and believe that it is one of the strong points of our Association, as we work to develop our future agency leaders.

## LIGHTNING ROUND

**What is your favorite app on your phone?**

Being a mom of 3 active boys, I would say Life360. It is my way to keep track of them as they are all over the place. My older boys hate it.

**What is a fun fact people may not know about you?**

I played basketball in high school, and we won 3 state championships in a row in the state of Florida. This was in my sophomore through senior year; playing basketball was my life back then.

**Advice you would give to your 25-year-old self.**

I would tell myself to never quit . . . the insurance industry can be really tough at times but also extremely rewarding. I would also tell myself that you never stop learning as, having been in this business for over 25 years, it seems that as each new workweek arrives, so do new challenges (and opportunities) that I learn from.

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# MEET OUR NEW **2022-2023** OFFICERS AND EXECUTIVE COMMITTEE

## OFFICERS



**Amy Smith**  
*Jackson*  
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**Gwen Jolly**  
*Aberdeen*  
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**Seldon Van Cleve**  
*Indianola*  
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**Durr Boyles**  
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**Scott Gray**  
*Meridian*  
National Director

## EXECUTIVE COMMITTEE



**Scott Woods**  
*Jackson*  
Past Chairman



**Jared Thames**  
*Vicksburg*  
Young Agents Chairman



**Bradley Tyler**  
*Kosciusko*



**Roger Elfert**  
*Jackson*



**John Morgan Mims**  
*Meridian*



**Jon Pointer**  
*Southaven*



**Cyndi Tullos**  
*Ridgeland*



**Terry Pendley**  
*Hazlehurst*

# MEET OUR NEW **BOARD MEMBERS**



**Mary Margaret Williams**

*Tabb South Insurance  
Houston, MS*

## **How did you get your start in the insurance industry?**

In 1996, my family lived in Natchez. My neighbor, Suzanne Foster, told me they needed help at her office and I told her I needed a job!! I went to work for Jack Stephens with Stephens Insurance in August of 1996. I think he hired me because I'm an Ole Miss fan!

## **What inspires you?**

Striving to do the best job! No room for mediocrity, especially in the insurance business!

## **What aspect are you looking forward to the most on the Big I Board?**

I look forward to meeting and making new friends across the state.

## **What's the favorite part of your job?**

Our customers! I enjoy getting to know them, making them understand their coverage and being there for them in a claim situation. In a small town, we see our customers on a regular basis and know what is going on in their lives. You can't beat small town Mississippi!

## **What would we find you most likely doing on the weekend?**

I am pretty simple... housework, running errands, dining out with my husband and friends, visiting my dad and niece's families. Saturday morning breakfasts with my 89-year-old father are the best! Church on Sunday! I am ready for college football weekends too!!



**Robert Bills**

*Bills Insurance Agency  
Jackson, MS*

## **How did you get your start in the insurance industry?**

I was fortunate to step into an established book of business which was started by my grandfather in 1948.

## **What inspires you?**

Overcomers

## **What aspect are you looking forward to the most on the Big I Board?**

The opportunity to give back to an industry that has provided so much for me and my family.

## **What's the favorite part of your job?**

The people we have the opportunity to meet and help. The relationships we build.

## **What would we find you most likely doing on the weekend?**

Depends on the season...golfing during golf season; hunting during hunting season; footballing during football season....



**Hugh Brown**  
*R.L. Brown Insurance  
Agency  
Oxford, MS*

### **How did you get your start in the insurance industry?**

I am a third-generation agent in our agency, so it is something that I have always been around my entire life.

### **What inspires you?**

Being able to see my agency grow and know that I am able to provide help to my clients all across the state of Mississippi.

### **What aspect are you looking forward to the most on the Big I Board?**

Working with and getting to know a group of successful insurance professionals and being able to see how our ideas come together.

### **What's the favorite part of your job?**

Honestly, it is the fieldwork. I like going out and seeing my client's business operations firsthand.

### **What would we find you most likely doing on the weekend?**

Probably attending an Ole Miss game.



**Jason Ryder**  
*Renasant Insurance  
Starkville, MS*

### **How did you get your start in the insurance industry?**

My family owned an agency in Kosciusko. I never really intended on getting into the insurance business, but it pulled me in, and I've been in it for 22 years now. Turned out to be a great decision!

### **What inspires you?**

My faith and family are where I find the most inspiration.

### **What aspect are you looking forward to the most on the Big I Board?**

I'm looking forward to learning more about the association and how I can help move it forward.

### **What's the favorite part of your job?**

Being able to help people in their time of need.

### **What would we find you most likely doing on the weekend?**

Either at a volleyball tournament for my oldest daughter or a cheer competition for my younger daughter. If I have a break from either of those, I'm on the golf course or in the woods hunting.



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# Aloha DESTIN

Agents and Company Representatives traveled from all over the state to attend this year's IIAM Annual Convention and Trade Show which was held on June 5 - 8 at the Sandestin Hilton in Destin, FL. The event was kicked off with a strongly attended trade show, featuring 61 booths, where company representatives could network with agents. Later that evening, Scott and Traci Woods gave a great Aloha! to kick off the week at a welcoming cocktail party.

After a first great day, attendees and their families spent the next day enjoying beach activities, which included volleyball, a sandcastle contest and much-needed ice cream on such a hot summer day! After everyone enjoyed the beach, we all gathered for Casino night and rounds of bingo! Later that evening, everyone got to try their luck at the famous treasure chest.

On Tuesday, we held our General

Session. Our keynote speaker this year was Chip Baccicco, who gave a great presentation on InsureTech. The association members, also, elected this upcoming year's officers. The association's 2022-2023 officers are Amy Smith of Jackson, Chairman; Gwen Jolly of Aberdeen, Chairman-Elect; Seldon Van Cleve of Indianola, Vice Chairman; Scott Gray of Meridian, National Director; and Durr Boyles of Jackson, Treasurer. Newly elected to the Board of Directors for a three-year term are Jason Ryder, Hugh Brown, Robert Bills, and Mary Margaret Williams. Chairman Amy Smith has appointed the following Executive Committee to serve with the elected officers for the upcoming year: Scott Woods, Past Chairman; Jared Thames, Young Agents Chairman; Terry Pendley of Hazlehurst; Roger Elfert of Jackson; John Morgan Mims of Meridian; Jon Pointer

of Southaven; Bradley Tyler of Kosciusko; and Cyndi Tullos of Ridgeland. After our General Session was adjourned, attendees were able to enjoy more beach activities throughout the day until it was time for Taco Tuesday.

On the last day, we had our Aloha Breakfast. This breakfast is a great way to take time and enjoy the last part of the convention and honor members who have done outstanding work in the insurance industry and for our association. This year we had three very deserving members of our association receive special awards for their outstanding service to our association and industry.

We would like to thank our many sponsors that helped make this year's convention so successful! We are already excited about next year's convention and trade show scheduled for Sunday, June 11 through Wednesday, June 14.







# 2022 IIAM Convention Sponsors

We would like to thank the following companies for their contribution to the 2022 IIAM Convention and their continued support of our association.

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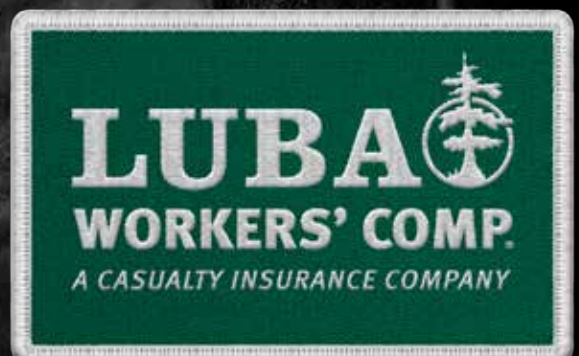
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A circular portrait of Billy Roberts, a middle-aged man with a mustache, wearing a dark sweater over a light blue collared shirt. The portrait is set against a light yellow background and is framed by a thick, multi-colored circular border in shades of blue, teal, and purple. The background of the entire page is dark blue with abstract circular and wavy patterns in lighter blue and purple.

# BILLY ROBERTS



## RECIPIENT OF THE J.H. JOHNSON MEMORIAL AWARD

AmFed Founder and now Ascot Group EVP Southeast and Director of the AmFed Insurance Companies, Billy Roberts was awarded the J.H. Johnson Memorial Award, the highest honor bestowed by our association. The James Henry Johnson Memorial Award is presented for distinguished service to the insurance industry. It was created in memory of the late Col. J. H. Johnson in the interest of the furtherance of the insurance business by his son,



O. Shaw Johnson, Sr., of Clarksdale. Col. Johnson was a founder of the association and served as president on five occasions. The award is not restricted to agents. Anyone contributing to the welfare and advancement of the insurance profession is an eligible recipient. The first award was given in 1952 to the late Julius Berry of Tupelo.

Billy Roberts began his insurance career in 1972 and founded AmFed Companies, LLC in 1992, which became the largest workers' compensation MGA in Mississippi. In 2001, he founded and served

as President and CEO of AmFed National Insurance Company which was acquired by Ascot in 2021. Billy attended Mississippi College gaining a double major in Chemistry and Economics before attending the Jackson School of Law. He also holds a number of insurance industry qualifications, including the Chartered Property Casualty Underwriter (CPCU) designation.

Congratulations, Billy. We're thankful for your continued dedication to the insurance industry and to the association.

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# 2022 IIAM AWARD WINNERS



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# MISSISSIPPI INSURANCE E-COMMERCE MODEL ACT:

WHAT IT IS, HOW IT WORKS AND WHAT IT  
MEANS FOR INSURANCE AGENTS

*By: David A. Barfield and Michelle T. High  
Biggs, Pettis, Ingram & Solop, PLLC  
111 East Capitol Street, Suite 101  
Jackson, MS 39201*

In the 2022 Legislative session, the Mississippi Legislature adopted House Bill No. 1187, known as the Mississippi Insurance E-Commerce Model Act. This Bill was signed by the Governor and went into effect on July 1, 2022. The Act does not apply to notices or documents delivered by an insurer in an electronic form before the effective date of the Act.

## WHAT IT IS

This Act regulates the electronic delivery of insurance documents and notices for related purposes. The purpose of the Act “is to provide consumers more choice, convenience and flexibility in managing their insurance.” Under the Act, delivery of a notice or document in accordance with this Act is considered to be equivalent to and have the same effect as any delivery method required by law. In other words, if a document is delivered in accordance with this Act, it satisfies all other statutory document delivery requirements.

## HOW IT WORKS

First, it is necessary to understand a few definitions applicable to this Act. The phrase “delivered by electronic means” includes:

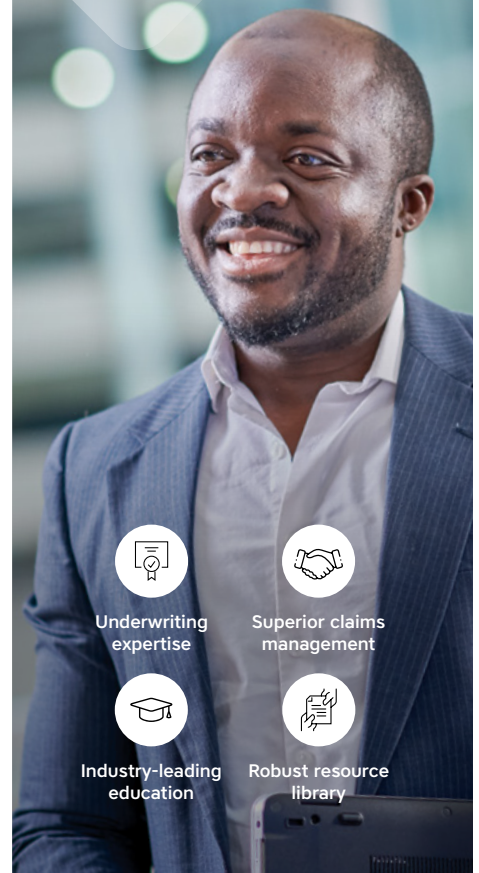
- delivery to an email address to which a party has consented to receive such notices or documents, or
- posting the documents on an electronic network or site accessible via the internet, along with providing separate notice of the posting by email to the address to which the party has consented to receive notice, or by any other delivery method that has been consented to by the party. If posting on the internet at a network site, the separate notice of the posting must contain the internet address at which the documents are posted. Delivery is deemed effective upon the latter of the posting or the actual delivery of the separate notice of the posting. In other words, both the posting and the separate notice of the posting must be completed before electronic delivery is effective.

The word “party” includes any recipient of any notice or document that may be required as part of an insurance transaction including, but not limited to, applicants, insureds, policyholders or annuity contract holders.



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The Act provides that a notice or document may be delivered electronically by an insurer to a party only if all of the following apply:

- (a) the party has consented or confirmed consent electronically in a way that reasonably demonstrates that the party can access information in the electronic form that has been consented to and the party has not withdrawn the consent; and
- (b) the party, before giving consent, is provided with a clear and conspicuous statement informing them of all of the following:
  - (i) hardware and software requirements for access and retention of the notice or documents;
  - (ii) the types of notices and documents to which the party's consent applies;
  - (iii) the right of the party to withdraw consent to delivery by electronic means at any time and what conditions or consequences are imposed in the event consent is withdrawn;
  - (iv) the procedure to withdraw consent, which can be no more burdensome than providing consent as well as the procedure to update a party's email address; and
  - (v) the party must be notified that it has the right to have any notice or document delivered, upon request, in paper form.

The insurer is also required to take all measures reasonably calculated to ensure that delivery by electronic means results in actual receipt. If the insurer has a reasonable basis for believing that the attempted electronic delivery was not received or that the electronic email address provided by the party is no longer valid, the Act mandates that the insurer deliver a notice or document by any other delivery method permitted by law. Furthermore, consent to electronic delivery does not preclude the insurer from delivering a document by any other method permitted by law.

If there is a change to the insurer's hardware or software requirements that creates a material risk that a party will not be able to access or retain the documents, the insurer shall not

deliver the notice or document by electronic means unless it complies with requirements stated above. The insurer must also provide the revised hardware and software requirements and readvise the party of the right to withdraw consent without the imposition of any condition or consequence that was not disclosed at the time of the initial consent.

This Act does not affect the legal requirements related to the content or timing of any notice or document required by any provision of law. If this Act or any other law requires a notice or document to be provided to a party and expressly requires confirmation of receipt, then delivery by electronic means is only permissible if the method used provides for confirmation of receipt. If a notice or document is delivered by the insurer in paper form, then the failure of an insurer to obtain consent from a party or confirmation of consent does not affect the validity or enforceability of any contract or policy of insurance.

Withdrawal of consent by a party is effective "within a reasonable period of time after the receipt of the withdrawal by the insurer," and will not impact the legal effectiveness of any document delivered prior to the withdrawal's effective date. Also, if an insurer fails to comply with any of the requirements of the Act, at the election of the party, that failure to comply may be treated as a withdrawal of consent. Thus, insurers must strictly comply with the obligations set forth in this Act.

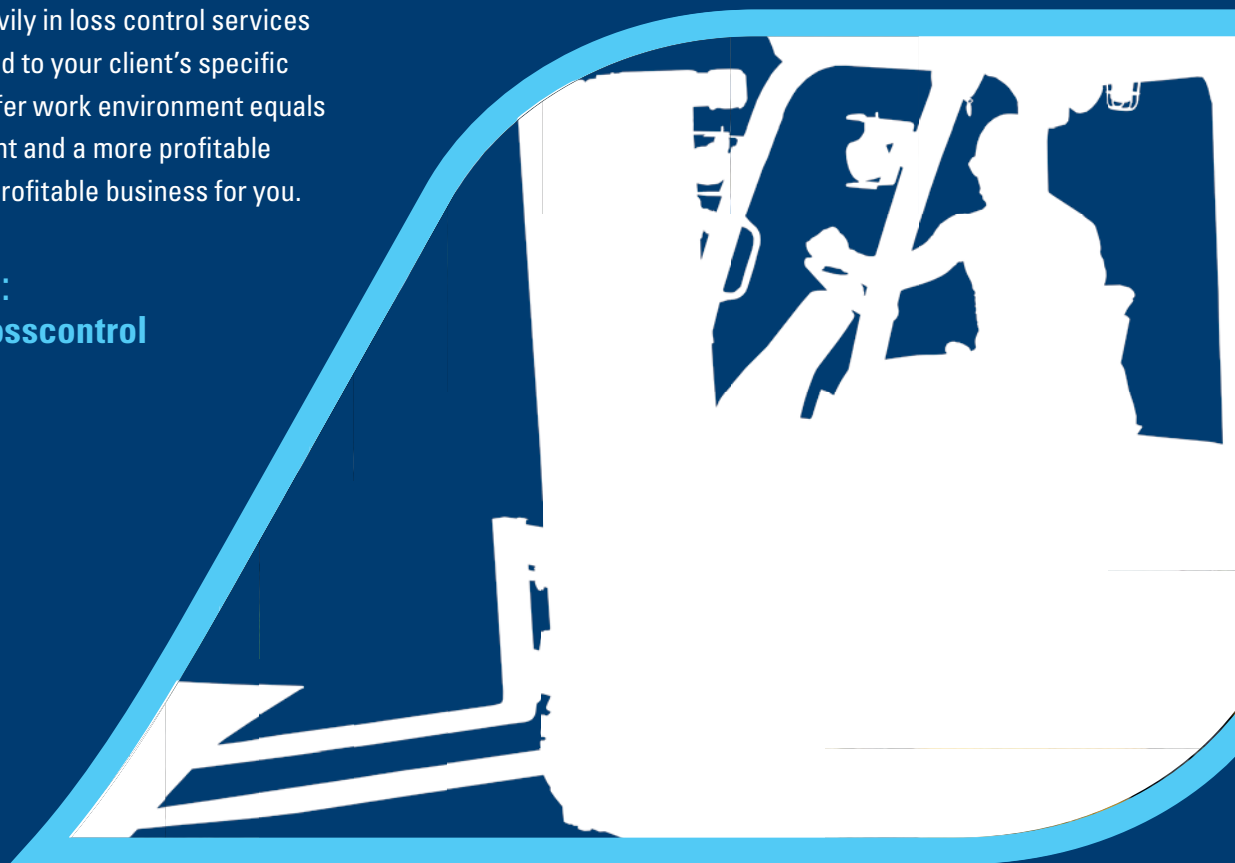
If prior to the effective date of this Act, a party had consented to receive certain notices or documents in an electronic form, and that consent is on file with an insurer, the insurer still must comply with all of the previously stated provisions of this Act before delivering additional documents electronically. Additionally, the insurer must provide (i) the party with a statement that describes the types of documents that shall be delivered by electronic means that were not previously delivered electronically; and (ii) advise of the party's right to withdraw consent without the imposition of any conditions or consequences that were not disclosed at the time of the initial consent.

Insurance policies and endorsements that do not contain personally identifiable information can be mailed, delivered, or, if the insurer has obtained separate specific consent from

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the party, posted on the insurer's website. If the insurer elects to post a policy or endorsement on its website, the policy and endorsement must be accessible to the owner or insured and producer of record and remain that way while in force. After expiration of the policy, the insurer must either (i) make the expired policy and endorsement available upon request for a period of five (5) years; or (ii) if the insurer continues to make the expired policy or endorsement available on the website, keep the insured's user ID active for a period of five (5) years. Any posting of a policy or endorsement must be done in a manner that the insured and the producer of record can print and save the policy or endorsement using a free program which is widely available on the internet.

For each declarations page posted at the time of issuance of the initial policy and any renewals, the insurer must provide a description of the policy or endorsement, a description of the insured's right to receive, upon request and without charge, an electronic or paper copy, and the internet address at which the policy and endorsement are posted. At the insured's request, the insurer shall also mail a paper copy of the policy and endorsement to the insured without charge. The insurer is required to provide notice of any change to the forms or endorsement and the insured's right to obtain, upon request and without charge, a paper copy of the changes and the internet address at which the forms or endorsements are posted. This notice may be in either electronic or paper form, at the party's option.

The Act also provides that all claims brought by insureds, workers' compensation claimants or third parties against an insurer are to be paid by check or draft of the insurer. Alternatively, if offered by the insurer and the claimant consents, electronic transfer of funds may be made to the order of the claimant to whom payment of the claim is due, or his/her attorney, or upon direction of the claimant, to someone specified. If any employer has advanced claim payments to a claimant, the check or draft shall be paid jointly to the claimant and the employer. If consented to by all parties, the electronic payment shall be paid to the trust account. The check or draft shall be paid jointly until the amount of the advanced claim payment has been recovered by the employer. If the payment was made

by electronic funds transfer, it will be held in trust until the amount of the advance claims payment has been recovered by the employer.

The Commissioner of Insurance is authorized to adopt rules to implement the provisions of this Act.

## WHAT IT MEANS FOR INSURANCE AGENTS

The Act specifically provides that an insurance producer **shall not be subject to civil liability** for any harm or injury that occurs because of a party's election to receive a notice or document by electronic means or by an insurer's failure to deliver or a party's failure to receive a notice or document by electronic means. This should serve as evidence of policy delivery and should insulate insurance agents from civil liability for things that the insured knew or should have known had they read their policy, as required by Mississippi law.

However, in some circumstances, insurers still require that the insurance agents deliver policies and/or endorsements and/or certificates of insurance. For all insurance documents that insurance agents are required to deliver, you must continue to deliver the documents in such a way that you have evidence that the document was, in fact, delivered to the insured. Evidence of such delivery triggers the insured's obligation to read their policy and charges the insured with the knowledge of the terms and conditions of their policy or other insurance document. Failure to have evidence of delivery of an insurance policy, endorsement or other document, can make the defense of a civil action against an insurance agent much more difficult than it needs to be. One of the most important pieces of evidence to defend an insurance agent or agency is the evidence that the insured, in fact, received the policy or endorsement or other documentation. This Act will greatly help insureds who consent to electronic delivery.

## THE ACT IS SUBJECT TO JUDICIAL REVIEW AND INTERPRETATION

As with all statutes, this Act is subject to judicial review and interpretation. Of particular importance to insurance agents will be court interpretation of the breadth of the civil liability immunity. Will courts identify factual situations and allegations that would not be covered by the civil liability immunity provision? How broadly will the court interpret “any harm or injury. . . because of a party’s election to receive” documents by electronic means, an insurer’s failure to deliver or a party’s failure to receive a document? Under what facts will the court determine that the harm or injury did not arise out of the

electronic delivery or failure to deliver? These answers remain to be seen.

Additionally, the provision that makes withdrawal of consent by a party effective “within a reasonable period of time after receipt” is very likely to lead to litigation about what constitutes “a reasonable period of time.” It would not be surprising to see courts make this determination on a case-by-case basis. Likewise, questions regarding whether or not an insurer had a “reasonable basis” for believing a notice or document has or has not been received are likely to be litigated, as what constitutes a “reasonable basis” is subject to interpretation.

In summary, this is a very good Act that will provide a level of protection for insurance agents and we will see, in the future, how the courts will interpret the various provisions of the Act.

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# IIAM VISITS WASHINGTON D.C.



In April, a delegation from the Independent Insurance Agents of Mississippi traveled to Washington, D.C., for the Independent Insurance Agents and Brokers of America Legislative Conference.

The conference included visits and discussions of crucial issues with Senator Roger Wicker, Senator Cindy Hyde-Smith, and Congressman Trent Kelly.

The following represented IIAM at this year's conference: Chairman Scott Woods, Chairman-Elect Amy Smith, Vice Chairman Gwen Jolly, National Director Scott Gray, Young Agents Chairman Jed James, President Clinton Graham, and Past Chairmen Tatum Brown, Ronnie Tubertini, and Shaw Johnson.






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