

3-17-2013

Governor Phil Bryant
300 E Capitol St
Jackson, MS 39201
(601) 359-3175

Dear Governor Bryant:

Mississippi homeowners need your help.

As you know first hand, many of our state residents faced major expenses to repair and rebuild their homes after past hurricanes and counted on their property insurance to cover those costs. But as you also know, although insurance is sold as "peace of mind" and a disaster safety net, insurance policies are complex legal contracts with lots of fine print written by insurance company lawyers. Because of that, many Mississippi residents rely on our courts for help collecting their insurance benefits.

After Hurricane Camille, our courts ruled that the insurance company has the "burden of proof" that the damage was caused by an excluded peril. After Katrina, the courts upheld that 1971 ruling and expanded it stating, "The insurance company assumes the burden to prove, by a preponderance of evidence, that the cause of the losses are excluded by the policy."

In 2007, a bill was filed in the Mississippi Legislature to have this court language adopted into law so the rules would be clear and both insurers and insured's would know what to expect. The House has passed the bill every year since. However, the bill has died in the Senate Insurance Committee without a vote each year.

Despite the rulings of our Mississippi Supreme Court and the support of Lt. Gov. Tate Reeves and Insurance Commissioner Mike Chaney, for the proposed codification of the burden of proof case law, the powerful insurance lobby has prevented a vote on this important legislation in the Senate since 2007.

Insurers claim this legislation would result in higher premiums. However, if that was the case our rates would have increased after the courts ruled. The truth is that insurers don't want the rulings codified so they can re-argue the matter in a future case. Sen. Sean J. Tindell of Gulfport said the bill doesn't do anything drastic. Rather, it puts into law what courts have already concluded on the issue of the burden of proof. When asked why the law should be passed given the existing rulings on the issue, Tindell said, "Case law can change with the stroke of the pen at any time."

As our Governor I am writing to ask you to put the interests of tax-paying Mississippi residents ahead of the insurance lobby. You, our Governor, have the power to help us get a vote on this simple but important legislation.

We are asking for you to take this bill up in a special session and allow the full Senate to vote on the bill. We are asking you to do the right thing for your constituents by supporting this bill and helping bring it up for a vote in the full Senate.

The Senate Insurance Committee has failed Mississippi homeowners since 2007. We now turn to you, our state's highest elected official.

I look forward to your consideration of this matter and prompt reply.

With appreciation,

Kevin Buckel
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