

By: Representative Rogers

To: Judiciary B

HOUSE BILL NO. 359  
(As Passed the House)

1 AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE LICENSING AND CONTINUING EDUCATION REQUIREMENTS FOR BAIL  
3 AGENTS AND APPLICANTS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 83-39-3, Mississippi Code of 1972, is  
6 amended as follows:

7 83-39-3. (1) No person shall act in the capacity of  
8 professional bail agent, soliciting bail agent or bail enforcement  
9 agent, as defined in Section 83-39-1, or perform any of the  
10 functions, duties or powers of the same unless that person shall  
11 be qualified and licensed as provided in this chapter. The terms  
12 of this chapter shall not apply to any automobile club or  
13 association, financial institution, insurance company or other  
14 organization or association or their employees who execute bail  
15 bonds on violations arising out of the use of a motor vehicle by  
16 their members, policyholders or borrowers when bail bond is not  
17 the principal benefit of membership, the policy of insurance or of  
18 a loan to such member, policyholder or borrower.

19 (2) No license shall be issued except in compliance with  
20 this chapter, and none shall be issued except to an individual.  
21 No firm, partnership, association or corporation, as such, shall  
22 be so licensed. No professional bail agent shall operate under  
23 more than one (1) trade name. A soliciting bail agent and bail  
24 enforcement agent shall operate only under the professional bail  
25 agent's name. No person who has ever been convicted of a felony  
26 or any crime involving moral turpitude, or who has not been a

27 resident of this state for at least one (1) year, unless presently  
28 licensed for bail bonds, or who is under twenty-one (21) years of  
29 age, shall be issued a license hereunder. No person engaged as a  
30 law enforcement or judicial official or attorney shall be licensed  
31 hereunder. No person licensed under this chapter shall act as a  
32 personal surety agent in the writing of bail during a period he or  
33 she is licensed as a limited surety agent, as defined herein.

34 (3) The department is vested with the authority to enforce  
35 this chapter. The department may conduct investigations or  
36 request other state, county or local officials to conduct  
37 investigations and promulgate such rules and regulations as may be  
38 necessary for the enforcement of this chapter. The department may  
39 establish monetary fines and collect such fines as necessary for  
40 the enforcement of such rules and regulations. All fines  
41 collected shall be deposited in the Special Insurance Department  
42 Fund for the operation of that agency.

43 (4) Each license issued hereunder shall expire annually on  
44 the last day of May, unless revoked or suspended prior thereto by  
45 the department, or upon notice served upon the commissioner by the  
46 insurer that the authority of a limited surety agent to act for or  
47 in behalf of such insurer had been terminated, or upon notice  
48 served upon the commissioner by a professional bail agent that the  
49 employment of a soliciting bail agent or bail enforcement agent  
50 had been terminated by such professional bail agent.

51 (5) The department shall prepare and deliver to each  
52 licensee a certificate showing the name, address and  
53 classification of such licensee, and shall certify that the person  
54 is a licensed professional bail agent, being either a personal  
55 surety agent or a limited surety agent, a soliciting bail agent or  
56 a bail enforcement agent. In addition, the certificate, if for a  
57 soliciting bail agent or bail enforcement agent, shall show the  
58 name of the professional bail agent and any other information as  
59 the commissioner deems proper.

60 (6) The commissioner, after a hearing under Section  
61 83-39-17, may refuse to issue a privilege license for a soliciting  
62 bail agent to change from one (1) professional bail agent to  
63 another if he owes any premium or debt to the professional bail

64 agent with whom he is currently licensed.

65 (7) Beginning May 1, 2000, before any professional bail  
66 agent, soliciting bail agent and bail enforcement agent license is  
67 issued, the applicant shall submit proof of completion of eight  
68 (8) hours of prelicensing education approved by the department and  
69 the professional Bail Agents Association of Mississippi, Inc., and  
70 conducted by the Mississippi Judicial College, any institution of  
71 higher learning or community college. An applicant may work as an  
72 agent without the prelicensing education requirement but must  
73 complete such education at the first available offering.

74 (8) Beginning May 1, 2000, before any professional bail  
75 agent, soliciting bail agent and bail enforcement agent licenses  
76 are renewed, the applicant shall submit proof of completion of  
77 eight (8) hours of continuing education provided by the  
78 Mississippi Judicial College, any institution of higher learning  
79 or community college and approved by the department and the  
80 Professional Bail Agents Association of Mississippi, Inc.

81 (9) This shall not be mandatory to anyone licensed before  
82 July 1, 1999.

83 SECTION 2. This act shall take effect and be in force from  
84 and after July 1, 1999.