

By: Representative Rogers

To: Judiciary B

HOUSE BILL NO. 359
(As Sent to Governor)

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

75 (8) From and after May 1, 2000, prior to the renewal of any
76 professional bail agent, soliciting bail agent or bail enforcement
77 agent license, the applicant shall submit proof of completion of
78 eight (8) hours of continuing education approved by the department
79 and the Professional Bail Agents Association of Mississippi, Inc.,
80 and provided by the Mississippi Judicial College or any
81 institution of higher learning or community college.

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