

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 359

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

(2) No license shall be issued except in compliance with
this chapter, and none shall be issued except to an individual.
No firm, partnership, association or corporation, as such, shall
be so licensed. No professional bail agent shall operate under
more than one (1) trade name. A soliciting bail agent and bail
enforcement agent shall operate only under the professional bail
agent's name. No person who has ever been convicted of a felony

or any crime involving moral turpitude, or who has not been a resident of this state for at least one (1) year, unless presently licensed for bail bonds, or who is under twenty-one (21) years of age, shall be issued a license hereunder. No person engaged as a law enforcement or judicial official or attorney shall be licensed hereunder. No person licensed under this chapter shall act as a personal surety agent in the writing of bail during a period he or she is licensed as a limited surety agent, as defined herein.

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

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

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

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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.