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

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

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 the commissioner deems proper.
(6) The commissioner, after a hearing under Section 83-39-17, may refuse to issue a privilege license for a soliciting bail agent to change from one (1) professional bail agent to another if he owes any premium or debt to the professional bail agent with whom he is currently licensed.

(7) From and after May 1, 2000, prior to the issuance of any professional bail agent, soliciting bail agent or bail enforcement agent license, the applicant shall submit proof of completion of eight (8) hours of prelicensing education approved by the department and the Professional Bail Agents Association of Mississippi, Inc., and conducted by the Mississippi Judicial College or any institution of higher learning or community college located within the State of Mississippi.

(8) From and after May 1, 2000, prior to the renewal of any professional bail agent, soliciting bail agent or bail enforcement agent license, the applicant shall submit proof of completion of eight (8) hours of continuing education provided by the Mississippi Judicial College or any institution of higher learning or community college.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.