

By: Senator(s) Horhn

To: Judiciary

SENATE BILL NO. 2910  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT CERTAIN RELATIVES OF LAW ENFORCEMENT OFFICIALS SHALL  
3 NOT BE LICENSED AS BAIL AGENTS; TO AMEND SECTION 83-39-15,  
4 MISSISSIPPI CODE OF 1972, TO REVISE GROUNDS FOR DENIAL, SUSPENSION  
5 OR REVOCATION OF THE LICENSE OF A BAIL AGENT; AND FOR RELATED  
6 PURPOSES.

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

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

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

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

29 or any crime involving moral turpitude, or who has not been a  
30 resident of this state for at least one (1) year, unless presently  
31 licensed for bail bonds, or who is under twenty-one (21) years of  
32 age, shall be issued a license hereunder. No person engaged as a  
33 law enforcement or judicial official or attorney shall be licensed  
34 hereunder. No person who is a spouse of a law enforcement  
35 official or who is a spouse of an employee of a law enforcement  
36 official or a law enforcement entity shall write a bond in the  
37 county in which the spouse is elected, appointed or employed as a  
38 law enforcement official or employee of a law enforcement entity,  
39 whether of the county or a municipality in the county; violation  
40 of this prohibition shall result in license revocation. No person  
41 licensed under this chapter shall act as a personal surety agent  
42 in the writing of bail during a period he or she is licensed as a  
43 limited surety agent, as defined herein. No person licensed under  
44 this chapter shall give legal advice or a legal opinion in any  
45 form.

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

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

61 employment of a soliciting bail agent or bail enforcement agent  
62 had been terminated by such professional bail agent.

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

72 (6) The commissioner, after a hearing under Section  
73 83-39-17, may refuse to issue a privilege license for a soliciting  
74 bail agent to change from one (1) professional bail agent to  
75 another if he owes any premium or debt to the professional bail  
76 agent with whom he is currently licensed.

77 (7) From and after May 1, 2000, prior to the issuance of any  
78 professional bail agent, soliciting bail agent or bail enforcement  
79 agent license, the applicant shall submit proof of completion of  
80 eight (8) hours of prelicensing education approved by the  
81 department and the Professional Bail Agents Association of  
82 Mississippi, Inc., and conducted by the Mississippi Judicial  
83 College or any institution of higher learning or community  
84 college. An applicant may work as an agent without the  
85 prelicensing education requirement but must complete such  
86 education at the first available offering.

87 (8) From and after May 1, 2000, prior to the renewal of any  
88 professional bail agent, soliciting bail agent or bail enforcement  
89 agent license, the applicant shall submit proof of completion of  
90 eight (8) hours of continuing education approved by the department  
91 and the Professional Bail Agents Association of Mississippi, Inc.,  
92 and provided by the Mississippi Judicial College or any  
93 institution of higher learning or community college.

94 SECTION 2. Section 83-39-15, Mississippi Code of 1972, is  
95 amended as follows:

96 83-39-15. (1) The department may deny, suspend, revoke or  
97 refuse to renew, as may be appropriate, the license of any person  
98 engaged in the business of professional bail agent, soliciting  
99 bail agent, or bail enforcement agent for any of the following  
100 reasons:

101 (a) Any cause for which the issuance of the license  
102 would have been refused had it then existed and been known to the  
103 department.

104 (b) Failure to post a qualification bond in the  
105 required amount with the department during the period the person  
106 is engaged in the business within this state or, if the bond has  
107 been posted, the forfeiture or cancellation of the bond.

108 (c) Material misstatement, misrepresentation or fraud  
109 in obtaining the license.

110 (d) Willful failure to comply with, or willful  
111 violation of, any provision of this chapter or of any proper  
112 order, rule or regulation of the department or any court of this  
113 state.

114 (e) Conviction of felony or crime involving moral  
115 turpitude.

116 (f) Default in payment to the court should any bond  
117 issued by such bail agent be forfeited by order of the court.

118 (g) Being engaged as a law enforcement or judicial  
119 official or attorney or writing a bond in a county where a spouse  
120 is a law enforcement official or employee of a law enforcement  
121 official or a law enforcement entity, whether of the county or a  
122 municipality in the county.

123 (h) Giving legal advice or a legal opinion in any form.

124 (2) In addition to the grounds specified in subsection (1)  
125 of this section, the department shall be authorized to suspend the  
126 license, registration or permit of any person for being out of

127 compliance with an order for support, as defined in Section  
128 93-11-153. The procedure for suspension of a license,  
129 registration or permit for being out of compliance with an order  
130 for support, and the procedure for the reissuance or reinstatement  
131 of a license, registration or permit suspended for that purpose,  
132 and the payment of any fees for the reissuance or reinstatement of  
133 a license, registration or permit suspended for that purpose,  
134 shall be governed by Section 93-11-157 or 93-11-163, as the case  
135 may be. If there is any conflict between any provision of Section  
136 93-11-157 or 93-11-163 and any provision of this chapter, the  
137 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
138 shall control.

139 SECTION 3. This act shall take effect and be in force from  
140 and after July 1, 2001.