SENATE BILL NO. 2910
(As Sent to Governor)

AN ACT TO AMEND SECTION 83-39-3, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2748, 2001 REGULAR SESSION, TO PROVIDE THAT CERTAIN RELATIVES OF LAW ENFORCEMENT OFFICIALS SHALL NOT BE LICENSED AS BAIL AGENTS; TO AMEND SECTION 83-39-15, MISSISSIPPI CODE OF 1972, TO REVISE GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF THE LICENSE OF A BAIL AGENT; 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, as amended by Senate Bill No. 2748, 2001 Regular Session, 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) (a) 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
(b) (i) No person who is a spouse of: (A) a county or municipal law enforcement official; (B) an employee of a county or municipal law enforcement official; or (C) an employee of a law enforcement entity shall write a bond for a person arrested by the spouse or the law enforcement entity which the person's spouse serves as a law enforcement official or employee; violation of this prohibition shall result in license revocation.

(ii) 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.

(iii) No person licensed under this chapter shall give legal advice or a legal opinion in any form.

(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 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 approved by the department
and the Professional Bail Agents Association of Mississippi, Inc.,
and provided by the Mississippi Judicial College or any
in the State of Mississippi.

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

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

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

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

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

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

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

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

(g) Being elected or employed as a law enforcement or judicial official.

(h) Engaging in the practice of law.

(i) Writing a bond for a person arrested by a spouse or the law enforcement entity which a spouse serves as a law enforcement official or employee.

(j) Giving legal advice or a legal opinion in any form.
(2) In addition to the grounds specified in subsection (1) of this section, the department shall be authorized to suspend the license, registration or permit of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license, registration or permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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