

By: Senator(s) Doxey, Jackson (11th)

To: Insurance

SENATE BILL NO. 2941

1 AN ACT TO AMEND SECTIONS 83-39-3 AND 83-39-5, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT A SOLICITING BAIL AGENT SHALL BE
3 EMPLOYED BY ONLY ONE PROFESSIONAL BAIL AGENT AND TO REQUIRE
4 CRIMINAL BACKGROUND CHECKS ON APPLICANTS FOR PROFESSIONAL BAIL
5 AGENT LICENSE; AND FOR RELATED PURPOSES.

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

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

9 83-39-3. (1) No person shall act in the capacity of
10 professional bail agent, soliciting bail agent or bail enforcement
11 agent, as defined in Section 83-39-1, or perform any of the
12 functions, duties or powers of the same unless that person shall
13 be qualified and licensed as provided in this chapter. The terms
14 of this chapter shall not apply to any automobile club or
15 association, financial institution, insurance company or other
16 organization or association or their employees who execute bail
17 bonds on violations arising out of the use of a motor vehicle by
18 their members, policyholders or borrowers when bail bond is not
19 the principal benefit of membership, the policy of insurance or of
20 a loan to such member, policyholder or borrower.

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

29 has ever been convicted of a felony or any crime involving moral
30 turpitude, or who has not been a resident of this state for at
31 least one (1) year, unless presently licensed for bail bonds, or
32 who is under twenty-one (21) years of age, shall be issued a
33 license hereunder. No person engaged as a law enforcement or
34 judicial official or attorney shall be licensed hereunder.

35 (b) (i) No person who is a spouse of: 1. a county or
36 municipal law enforcement official; 2. an employee of a county or
37 municipal law enforcement official; or 3. an employee of a law
38 enforcement entity shall write a bond for a person arrested by the
39 spouse or the law enforcement entity which the person's spouse
40 serves as a law enforcement official or employee; violation of
41 this prohibition shall result in license revocation.

42 (ii) No person licensed under this chapter shall
43 act as a personal surety agent in the writing of bail during a
44 period he or she is licensed as a limited surety agent, as defined
45 herein.

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

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

57 (b) In order to assist the department in determining an
58 applicant's suitability for a license under this chapter, the
59 department shall forward the fingerprints submitted with the
60 application to the Department of Public Safety for use by that
61 agency in conducting a criminal history check; if no disqualifying

62 record is identified at the state level, the fingerprints shall be
63 forwarded by the Department of Public Safety and to the Federal
64 Bureau of Investigation for a national criminal history record
65 check. Fees related to the criminal history record check shall be
66 paid by the applicant to the commissioner and the monies from such
67 fees shall be deposited in the Special Fund in the State Treasury
68 designated as the "Insurance Department Fund."

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

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

86 (6) The commissioner, after a hearing under Section
87 83-39-17, may refuse to issue a privilege license for a soliciting
88 bail agent to change from one professional bail agent to another
89 if he owes any premium or debt to the professional bail agent with
90 whom he is currently licensed.

91 (7) From and after May 1, 2000, prior to the issuance of any
92 professional bail agent, soliciting bail agent or bail enforcement
93 agent license, the applicant shall submit proof of completion of
94 eight (8) hours of prelicensing education approved by the

95 department and the Professional Bail Agents Association of
96 Mississippi, Inc., and conducted by the Mississippi Judicial
97 College or any institution of higher learning or community college
98 located within the State of Mississippi.

99 (8) From and after May 1, 2000, prior to the renewal of any
100 professional bail agent, soliciting bail agent or bail enforcement
101 agent license, the applicant shall submit proof of completion of
102 eight (8) hours of continuing education approved by the department
103 and the Professional Bail Agents Association of Mississippi, Inc.,
104 and provided by the Mississippi Judicial College or any
105 institution of higher learning or community college located within
106 the State of Mississippi.

107 **SECTION 2.** Section 83-39-5, Mississippi Code of 1972, is
108 amended as follows:

109 83-39-5. (1) Any person desiring to engage in the business
110 of professional bail agent, soliciting bail agent or bail
111 enforcement agent in this state shall apply to the department for
112 a license on forms prepared and furnished by the department. The
113 application for a license, or renewal thereof, shall set forth
114 under oath the following information:

115 (a) Full name, age, date of birth, social security
116 number, residence during the previous five (5) years, occupation
117 and business address of the applicant;

118 (b) Spouse's full name, occupation and business
119 address;

120 (c) A photograph of the applicant and a full set of
121 fingerprints for the initial application only. A photograph of
122 the applicant and a full set of fingerprints are not required for
123 renewal except when requested by the department;

124 (d) A report from the sheriff of the applicant's county
125 of residence or the Department of Public Safety that the applicant
126 has no felony record nor any misdemeanor involving moral turpitude
127 on file with the United States Federal Bureau of Investigation for

128 the initial application only. The report is not required for
129 renewal except when requested by the department;

130 (e) Proof of having successfully completed prelicense
131 or continuing education required under Section 83-39-1;

132 (f) A statement that he is not licensed to practice law
133 in the State of Mississippi or any other state and that no
134 attorney or any convicted felon has any interest in his
135 application, either directly or indirectly;

136 (g) Any other information as may be required by this
137 chapter or by the department;

138 (h) In the case of a professional bail agent, a
139 statement that he will actively engage in the bail bond business;

140 (i) In the case of a soliciting bail agent, a statement
141 that he will be employed or used by only one (1) professional bail
142 agent and that the professional bail agent will supervise his work
143 and be responsible for his conduct in his work. A professional
144 bail agent shall sign the application of each soliciting bail
145 agent employed or used by him.

146 (2) Each application or filing made under this section shall
147 include the Social Security number(s) of the applicant in
148 accordance with Section 93-11-64, Mississippi Code of 1972.

149 **SECTION 3.** This act shall take effect and be in force from
150 and after its passage.