

By: Representative Rogers (61st)

To: Judiciary B

HOUSE BILL NO. 720

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

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

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

7 83-39-3. (1) No person shall act in the capacity of  
8 professional bail agent, soliciting bail agent or bail enforcement  
9 agent, as defined in Section 83-39-1, or perform any of the  
10 functions, duties or powers of the same unless that person shall  
11 be qualified and licensed as provided in this chapter. The terms  
12 of this chapter shall not apply to any automobile club or  
13 association, financial institution, insurance company or other  
14 organization or association or their employees who execute bail  
15 bonds on violations arising out of the use of a motor vehicle by  
16 their members, policyholders or borrowers when bail bond is not  
17 the principal benefit of membership, the policy of insurance or of  
18 a loan to such member, policyholder or borrower.

19 (2) (a) No license shall be issued except in compliance  
20 with this chapter, and none shall be issued except to an  
21 individual. No firm, partnership, association or corporation, as  
22 such, shall be so licensed. No professional bail agent shall  
23 operate under more than one (1) trade name. A soliciting bail  
24 agent and bail enforcement agent shall operate only under the  
25 professional bail agent's name. No person who has ever been  
26 convicted of a felony or any crime involving moral turpitude, or  
27 who has not been a resident of this state for at least one (1)

28 year, unless presently licensed for bail bonds, or who is under  
29 twenty-one (21) years of age, shall be issued a license hereunder.  
30 No person engaged as a law enforcement or judicial official or  
31 attorney shall be licensed hereunder.

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

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

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

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

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

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

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

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

79 (7) From and after May 1, 2006, prior to the issuance of any  
80 professional bail agent, soliciting bail agent or bail enforcement  
81 agent license, the applicant shall submit proof of completion of  
82 forty (40) classroom hours of prelicensing education approved by  
83 the \* \* \* Professional Bail Agents Association of Mississippi,  
84 Inc., and conducted by the Mississippi Judicial College or any  
85 institution of higher learning or community college located within  
86 the State of Mississippi. The hours required by this subsection  
87 shall be classroom hours and may not be acquired through  
88 correspondence or over the Internet.

89 (8) From and after May 1, 2000, prior to the renewal of any  
90 professional bail agent, soliciting bail agent or bail enforcement  
91 agent license, the applicant shall submit proof of completion of  
92 eight (8) classroom hours of continuing education approved by the

93 department and the Professional Bail Agents Association of  
94 Mississippi, Inc., and provided by the Mississippi Judicial  
95 College or any institution of higher learning or community college  
96 located within the State of Mississippi. The hours required by  
97 this subsection shall be classroom hours and may not be acquired  
98 through correspondence or over the Internet.

99         **SECTION 2.** This act shall take effect and be in force from  
100 and after its passage.