

By: Senator(s) Hyde-Smith, Lee (35th)

To: Agriculture

SENATE BILL NO. 2462

1 AN ACT TO AMEND SECTION 69-19-9, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY SURETY BOND REQUIREMENTS FOR PROFESSIONAL SERVICES
3 REGULATED BY THE COMMISSIONER OF AGRICULTURE AND COMMERCE; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 69-19-9, Mississippi Code of 1972, is
7 amended as follows:

8 69-19-9. (1) Any person desiring to engage in professional
9 services or work as herein defined shall obtain from the
10 Commissioner of Agriculture and Commerce a license to engage in
11 such professional work, and the application for such license shall
12 be in writing and on such blank forms as may be required. No fee
13 shall be required for the license. The Commissioner of
14 Agriculture and Commerce shall require applicants to submit
15 statements as to training and experience in professional practice
16 and may further require applicants to pass such tests or
17 examinations as the commissioner may prescribe. The Commissioner
18 of Agriculture and Commerce may require an applicant to
19 furnish * * * a surety bond satisfactory to him and conditioned so
20 that the principal therein named shall conduct honestly such
21 business in accordance with the laws and regulations of this state
22 and shall faithfully perform all his professional service
23 contracts. * * * In no case shall a bond exceeding Ten Thousand
24 Dollars (\$10,000.00) be required. A copy of the bond, duly
25 certified by the Commissioner of Agriculture and Commerce or his
26 agent, the State Entomologist, shall be received as evidence in
27 all of the courts of this state without further proof. Any bond
28 issued before the effective date of this chapter shall be deemed

29 to be effective until the expiration date stated thereon. Any
30 person having a right of action against such person may bring suit
31 against the principal and sureties of such bond. Should the
32 surety furnished become unsatisfactory, such person shall execute
33 a new bond, and should he fail to do so, it shall be the duty of
34 the Commissioner of Agriculture and Commerce or his agent, the
35 State Entomologist, to cancel his license and give him notice of
36 such fact, and it shall be unlawful thereafter for such person to
37 engage in such business without obtaining a new license.

38 (2) In addition to the requirements of subsection (1) of
39 this section, the Commissioner of Agriculture and Commerce, with
40 the approval of the Advisory Board to the Bureau of Plant
41 Industry, may require persons providing professional services as
42 defined in this chapter to provide satisfactory proof of insurance
43 for personal injury and property damage incurred as a result of
44 the negligent or careless provision of such services, including
45 coverage for errors and omissions. Such insurance shall be in an
46 amount determined by the advisory board, but shall not exceed Two
47 Hundred Thousand Dollars (\$200,000.00). Such insurance shall be in
48 effect before a person may offer such professional services to the
49 general public. Notice of cancellation or failure to renew such
50 insurance shall be provided to the advisory board by the persons
51 offering such professional services. The license to engage in
52 such professional work shall be revoked if proof of insurance is
53 not provided to the advisory board by the licensee within thirty
54 (30) days of the notice of cancellation or failure to renew such
55 insurance.

56 (3) For horticultural and floricultural work and soil
57 classifying work, as defined in Section 69-19-5, such surety bond
58 which may be required shall be in an amount not to exceed One
59 Thousand Two Hundred Fifty Dollars (\$1,250.00) and such insurance
60 which may be required shall be in an amount not to exceed One
61 Hundred Thousand Dollars (\$100,000.00).

62 (4) No such bond and insurance shall be required from any
63 person providing professional services as defined in this chapter
64 if the Commissioner of Insurance certifies that such bond and
65 insurance is not available to such person.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2006.