

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 720

BY: Representative Smith (39th)

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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 successful
82 completion of forty (40) classroom hours of prelicensing education
83 approved by the * * * Professional Bail Agents Association of
84 Mississippi, Inc., and conducted by persons or entities approved
85 by the Professional Bail Agents Association of Mississippi, Inc.
86 The hours required by this subsection shall be classroom hours and
87 may not be acquired through correspondence or over the Internet.

88 (8) From and after May 1, 2000, prior to the renewal of any
89 professional bail agent, soliciting bail agent or bail enforcement
90 agent license, the applicant shall submit proof of successful
91 completion of eight (8) classroom hours of continuing education
92 approved by the department and the Professional Bail Agents
93 Association of Mississippi, Inc., and provided by persons or
94 entities approved by the Professional Bail Agents Association of
95 Mississippi, Inc. The hours required by this subsection shall be
96 classroom hours and may not be acquired through correspondence or
97 over the Internet.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.