

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3358

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
05/21/2023	10100	Introduction and first reading
		Referred to Commerce and Consumer Protection
03/18/2024		Comm report: To pass as amended and re-refer to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to insurance; codifying bail bond standards and regulations; proposing

1.3 coding for new law as Minnesota Statutes, chapter 60M.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[60M.01] DEFINITIONS.**

1.6 Subdivision 1. Terms. For the purposes of this chapter, the terms defined in this section

1.7 have the meanings given them.

1.8 Subd. 2. Bail bond agency. "Bail bond agency" means an agency contracted by a surety

1.9 to supervise or otherwise manage the bail bond business written in Minnesota by producers

1.10 appointed by the surety.

1.11 Subd. 3. Commissioner. "Commissioner" means the commissioner of commerce.

1.12 Subd. 4. Department. "Department" means the Department of Commerce.

1.13 Subd. 5. Negotiate. "Negotiate" means the act of conferring directly with or offering

1.14 advice directly to a purchaser or prospective purchaser of a particular insurance contract

1.15 concerning any of the substantive benefits, terms, or conditions of the contract, if the person

1.16 engaged in the act either sells insurance or obtains insurance from insurers for purchasers.

1.17 Subd. 6. Net premium. "Net premium" means a bond's premium, less any commission

1.18 agreed to in advance and in writing between a producer and the surety or bail bond agency.

1.19 Subd. 7. Personal information. "Personal information" has the meaning given in section

1.20 72A.491, subdivision 17.

2.1 Subd. 8. **Privileged information.** "Privileged information" has the meaning given in
2.2 section 72A.491, subdivision 19.

2.3 Subd. 9. **Producer.** "Producer" means a person that works for a supervising bail bond
2.4 agency and is appointed by a surety to execute or countersign bail bonds for the surety in
2.5 connection with judicial proceedings.

2.6 Subd. 10. **Sell.** "Sell" means to exchange on behalf of an insurance company an insurance
2.7 contract by any means for money or money's equivalent.

2.8 Subd. 11. **Solicit.** "Solicit" means: (1) any written or printed presentation or advertising
2.9 made by mail or other publication which implies that an individual is licensed to sell bail
2.10 bonds; (2) an oral presentation or advertising in person or by means of telephone, radio, or
2.11 television, which implies that an individual is licensed to sell bail bonds; (3) an activity in
2.12 arranging for bail which results in compensation or anything of value to the individual
2.13 conducting that activity; or (4) an attempt to sell or ask or urge a person to apply for a bail
2.14 bond from a surety.

2.15 Subd. 12. **Surety.** "Surety" means a domestic, foreign, or alien insurance company that
2.16 is licensed to transact surety business in Minnesota under section 60A.06.

2.17 Sec. 2. **[60M.02] PREMIUMS.**

2.18 Subdivision 1. **Premiums; generally.** (a) Regardless of whether a producer is an
2.19 employee or an independent contractor, a producer must charge the approved, filed rate of
2.20 the surety being used to post a bail bond. Except as provided in subdivision 2 or in a situation
2.21 where cash bail is set by the court under subdivision 5, the rate charged must not be less
2.22 than the surety's filed rate.

2.23 (b) A producer is prohibited from providing a premium rebate.

2.24 (c) A producer may charge travel or other related fees, provided the producer complies
2.25 with section 60K.46, subdivision 2.

2.26 Subd. 2. **Minimum premium.** A producer must charge a minimum premium of \$100.
2.27 Any premium amount must be included in the surety's rate filing with the commissioner.

2.28 Subd. 3. **Bail bonds less than \$10,000.** (a) A producer is prohibited from posting a bail
2.29 bond with a penal sum of \$10,000 or less unless the producer has:

2.30 (1) received at least 50 percent of the total premium owed under the surety's rate filing;

2.31 (2) provided the premium's payer with a receipt that indicates the premium paid; and

3.1 (3) if the payment in full is not made before posting the bond, obtained a promissory
3.2 note from the premium payer that requires the premium payer to pay the unpaid premium
3.3 in full within 120 days after the date the bond is posted.

3.4 (b) A promissory note issued under paragraph (a), clause (3), must be made on a surety
3.5 or bail bond agency form that has been approved by the commissioner. The maximum
3.6 interest rate allowed in a promissory note under this subdivision is six percent. A promissory
3.7 note may authorize collection of the actual costs incurred to collect the premium, including
3.8 reasonable attorney fees, in the event of a default.

3.9 Subd. 4. **Bail bonds greater than \$10,000.** (a) A producer is prohibited from posting
3.10 a bail bond with a penal sum greater than \$10,000 unless the producer has:

3.11 (1) received at least 30 percent of the total premium owed under the surety's rate filing;

3.12 (2) provided the premium's payer with a receipt that indicates the premium paid; and

3.13 (3) if the payment in full is not made before posting the bond, obtained a promissory
3.14 note from the premium payer that requires the premium payer to pay the unpaid premium
3.15 in full, making at a minimum equal monthly payments, within 12 days of the date the bond
3.16 is posted.

3.17 (b) A promissory note issued under paragraph (a), clause (3), must be made on a surety
3.18 or bail bond agency form that has been approved by the commissioner. The maximum
3.19 interest rate allowed in a promissory note under this subdivision is six percent. A promissory
3.20 note may authorize collection of the actual costs incurred to collect the premium, including
3.21 reasonable attorney fees, in the event of a default.

3.22 Subd. 5. **Alternative premium structure.** (a) A bail bond agency or principal may
3.23 include an alternative premium structure as part of the bail bond agency or producer's surety
3.24 rate filing submitted to the commissioner. The commissioner may approve the alternative
3.25 premium structure's use in circumstances as provided under this subdivision.

3.26 (b) If a court sets bail at 15 percent or less of the bond's penal amount, a surety, bail
3.27 bond agency, or principal may charge an alternative premium that is as low as one-half of
3.28 the cash bail amount set by the court. An alternative premium charged under this subdivision
3.29 is subject to the minimum premium requirement under subdivision 2.

3.30 (c) A bail bond agency or principal is required to obtain from the court documentation
3.31 indicating the cash bail amount set by the court and must maintain the documentation in
3.32 the bond file.

4.1 (d) A bail bond agency and producer must maintain a log of all bonds where an alternative
4.2 premium was charged under this subdivision.

4.3 (e) Subdivisions 3 and 4 apply to the payment of an alternative premium structure under
4.4 this subdivision.

4.5 Subd. 6. **Late payments.** If a payment, including a minimum monthly payment, that is
4.6 required under a promissory note executed pursuant to subdivision 3 or 4 is more than 90
4.7 days late, the bail bond agency or producer must, within 20 days of the date a payment
4.8 becomes 90 days late:

4.9 (1) for amounts owed that are \$1,000 or less, assign the debt to a Minnesota-licensed
4.10 debt collector; or

4.11 (2) for amounts owed that are greater than \$1,000:

4.12 (i) file a civil action against the delinquent premium payer; and

4.13 (ii) make all reasonable efforts to: (A) serve a summons and complaint; (B) enter
4.14 judgment, unless the matter is settled while the action is pending; and (C) enforce the
4.15 judgment, which may be satisfied by assigning the debt to a licensed debt collector.

4.16 Subd. 7. **Form of payment.** A surety, bail bond agency, or producer must accept only
4.17 cash, money orders, checks, wire transfers, electronic funds transfers, debit cards, prepaid
4.18 cash cards, or credit cards as a premium payment method. Any balance owed must be
4.19 evidenced by a promissory note, as provided under subdivision 3 or 4.

4.20 Subd. 8. **Payments made directly to producer; premium trust account.** (a) Unless
4.21 payment was previously forwarded to the surety or bail bond agency, within five business
4.22 days of the date a bond is posted or a payment is made on a promissory note, a producer
4.23 must deposit payments directly to the producer into a premium trust account that the producer,
4.24 bail bond agency, or surety maintains.

4.25 (b) A premium trust account must be used only for premium payments and travel or
4.26 other related fees authorized under subdivision 1, paragraph (c). A producer, bail bond
4.27 agency, or surety is prohibited from depositing any other money into a premium trust
4.28 account.

4.29 (c) A deposit into a premium trust account must be accompanied by a deposit slip that:
4.30 (1) separately designates the source of the deposit; and (2) lists the power of attorney number
4.31 for the bond that the premium is being collected on.

4.32 (d) Money may be withdrawn from a producer's premium trust account only to:

- 5.1 (1) pay the net premium to the surety or bail bond agency;
- 5.2 (2) pay a surety or bail bond agency any build-up fund or escrow account required by
5.3 a contract executed by the producer and the surety or bail bond agency;
- 5.4 (3) pay travel or other related fees authorized under subdivision 1, paragraph (c);
- 5.5 (4) pay the producer any fees or charges deducted electronically by credit card processing
5.6 vendors, provided the fees and charges comply with section 60K.46, subdivision 2; and
- 5.7 (5) distribute any excess amounts to the producer's operating account.

5.8 **Sec. 3. [60M.03] COLLATERAL.**

5.9 Subdivision 1. **Collateral generally.** (a) When collateral is accepted, the producer, or
5.10 a surety or bail bond agency if collateral is provided directly to the surety or bail bond
5.11 agency, must provide a written, numbered receipt to the individual on whose behalf the
5.12 collateral is being held. The receipt must:

5.13 (1) contain the date; depositor's name and address; bail bond agency's name and address;
5.14 surety's name and address; defendant's name; bond amount; and cash amount or a detailed
5.15 description of the collateral, if the collateral is not cash; and

5.16 (2) be signed by: (i) the producer, surety, or bail bond agency; and (ii) the individual on
5.17 whose behalf the collateral is being held.

5.18 (b) Collateral must be reasonably cared for in a manner that complies with this section
5.19 and other law.

5.20 Subd. 2. **Collateral received; transfer; control.** (a) Except as otherwise provided under
5.21 paragraph (b), a producer or bail bond agency must transfer all cash and noncash collateral
5.22 that the producer or bail bond agency receives to the surety.

5.23 (b) A surety may, at the surety's discretion, permit: (1) a producer to transfer all cash
5.24 and noncash collateral that the producer receives to the bail bond agency; and (2) the bail
5.25 bond agency to retain possession and control over the cash and noncash collateral without
5.26 transferring the cash and noncash collateral to the surety. If a surety exercises the surety's
5.27 discretion under this paragraph, the bail bond agency assumes the surety's responsibilities
5.28 and responsibilities under this section. A producer is prohibited from retaining possession
5.29 or control of cash or noncash collateral beyond the time periods established in this section.

5.30 Subd. 3. **Cash collateral trust account.** (a) All cash collateral must be deposited into
5.31 a cash collateral account maintained by a surety within five business days of the date the
5.32 cash collateral is received.

6.1 (b) All checks, money orders, wire transfers, or similar money transfer for collateral
6.2 must be made payable to the bail bond agency and deposited into the surety's or bail bond
6.3 agency's collateral account within ten business days of the date the payment was received.

6.4 (c) When required by law, a bail bond agency or producer must: (1) file an IRS Form
6.5 8300 and informational notice; and (2) retain a copy of the filed IRS Form 8300 and
6.6 informational notice in the bail bond agency's or producer's files.

6.7 Subd. 4. **Separate cash collateral account.** At the surety's discretion, the surety or a
6.8 bail bond agency may maintain a separate cash collateral trust account. A cash collateral
6.9 trust account may be an interest-bearing account or a noninterest-bearing account. If the
6.10 separate cash collateral trust account is an interest-bearing account, the interest earned is
6.11 for the benefit of the individual on whose behalf the collateral is being held.

6.12 Subd. 5. **Surety liable.** The surety is liable to return any cash or noncash collateral that
6.13 a producer or bail bond agency collects, even if the collected collateral is not transferred to
6.14 the surety.

6.15 Subd. 6. **Prohibitions.** (a) A surety, bail bond agency, or producer is prohibited from
6.16 collecting collateral in excess of the bond's penal sum.

6.17 (b) A surety, bail bond agency, or producer is prohibited from using collateral for personal
6.18 benefit or gain.

6.19 (c) A surety, bail bond agency, or producer is prohibited from taking a quitclaim deed
6.20 on real property as collateral for a bond.

6.21 Subd. 7. **Collateral log.** (a) A bail bond agency or producer must maintain a collateral
6.22 log that includes:

6.23 (1) the power of attorney number;

6.24 (2) the defendant's name;

6.25 (3) the depositor's name;

6.26 (4) the cash collateral amount, including whether the cash collateral is being held in an
6.27 interest-bearing account;

6.28 (5) if the collateral is noncash collateral, a detailed description of the collateral;

6.29 (6) the date the collateral was taken; and

6.30 (7) the dates the collateral was sent to the surety, returned to the depositor, liquidated,
6.31 or applied to a loss or cost incurred by the producer, bail bond agency, or surety.

7.1 (b) For purposes of paragraph (a), an indemnity agreement does not constitute collateral
7.2 and is not required to be included in the collateral log. For purposes of paragraph (a), clause
7.3 (7), the amount of a loss incurred must be listed separately from other costs in the collateral
7.4 log.

7.5 Subd. 8. **Mortgages and deeds of trust.** (a) A mortgage or deed of trust, if applicable
7.6 for property located outside of Minnesota, taken as collateral for a bond must name the
7.7 surety as a mortgagee. At the discretion of the surety, a bail bond agency may be named as
7.8 the mortgagee in lieu of the surety being named as the mortgagee.

7.9 (b) A producer is prohibited from being named as a mortgagee for a mortgage or deed
7.10 of trust taken as collateral for a bond.

7.11 Subd. 9. **Return of collateral.** (a) A surety or bail bond agency that controls the collateral
7.12 must return cash and noncash collateral to the depositor named in the collateral receipt
7.13 within 21 days of the date the depositor provides the surety or bail bond agency with written
7.14 proof that the bond has been discharged.

7.15 (b) If the depositor owes the surety, bail bond agency, or producer a premium; is liable
7.16 for a loss or expense related to a breach of the bond; or is liable pursuant to the terms of an
7.17 indemnity or other agreement, the surety or bail bond agency may retain from the collateral
7.18 all money required to satisfy the depositor's debts.

7.19 (c) If all of the depositor's debts secured by collateral are satisfied, the surety or bail
7.20 bond agency must file documentation to release any liens, security interests, mortgages, or
7.21 other security interests that were filed or obtained in relation to the collateral. The
7.22 documentation must be filed within 21 days of the date the depositor provides the surety or
7.23 bail bond agency with written proof that the bond has been discharged.

7.24 Subd. 10. **Bond or indemnity agreement; breach.** If a bond or indemnity agreement
7.25 is breached and the surety, bail bond agency, or producer suffers a loss, the surety or bail
7.26 bond agency that controls the collateral must send to the depositor written notice that notifies
7.27 the depositor that the surety or bail bond agency intends to liquidate noncash collateral. The
7.28 written notice must be sent by certified mail to the depositor's last known address at least
7.29 30 days before the date the surety or bail bond agency liquidates the noncash collateral.

7.30 Subd. 11. **Compliance with Minnesota law.** Any action taken to enforce or foreclose
7.31 on cash or noncash collateral must comply with Minnesota law.

8.1 Subd. 12. Collateral documentation; audit and inspection. (a) All collateral and related
8.2 documentation held in trust by the surety or bail bond agency must be made available for
8.3 immediate audit and inspection by the department.

8.4 (b) All collateral and related documentation held in trust by the bail bond agency must
8.5 be made available for immediate audit and inspection by the surety.

8.6 **Sec. 4. [60M.04] PRODUCER AUDITS.**

8.7 Subdivision 1. Premium audits. (a) By April 30 each year, a surety must audit each
8.8 licensed bail bond producer's bonds written during the previous calendar year to ensure the
8.9 licensed bail bond producer has complied with this subdivision.

8.10 (b) The premium audits must include a review of an adequate sample of bonds written
8.11 by each bail bond producer. A review sample is adequate if it consists of the lesser of: (1)
8.12 20 percent of the bonds written by the bail bond producer; (2) 24 bonds; or (3) all of the
8.13 bonds written by the bail bond producer, if the bail bond producer wrote fewer than 12
8.14 bonds during the previous calendar year. The audit sample must include the four largest
8.15 bonds written by the bail bond producer and four bonds that charged an alternative premium
8.16 under section 60M.02, subdivision 5, if applicable. Of the remaining bonds audited and to
8.17 the extent the quantity of bonds supports the percentages, 50 percent must be randomly
8.18 selected bonds with a penal sum that is \$10,000 or less, and 50 percent must be randomly
8.19 selected bonds with a penal sum that is greater than \$50,000.

8.20 (c) The premium audit must be conducted at the producer's office or the bail bond
8.21 agency's office, depending on which entity maintains the physical records. The surety must
8.22 not disclose to the producer or bail bond agency, or anyone affiliated with the surety or bail
8.23 bond agency, which files the surety intends to audit until the surety's on-site audit of the
8.24 producer begins.

8.25 (d) For each bond audited, the surety must confirm that:

8.26 (1) the proper premium was charged and collected, including a review of the premium
8.27 account statements and deposit slips;

8.28 (2) a proper premium receipt is in the producer's file;

8.29 (3) if the full premium was not paid before the bond was posted, a proper promissory
8.30 note was executed;

8.31 (4) if the premium was not paid as required, a lawsuit was filed; and

9.1 (5) all reasonable efforts were made to: (i) serve the summons and complaint; (ii) enter
9.2 judgment, unless the matter was settled while the action was pending; and (iii) enforce the
9.3 judgment.

9.4 (e) An annual premium audit under this section must also include a follow-up review
9.5 of each bond audited the previous year for which full premium had not yet been collected
9.6 at the time the audit occurred. For each bond subject to a follow-up review, the surety must:
9.7 (1) review the premium account and deposit slips to confirm that the full premium was
9.8 collected; or (2) if full payment of the premium was not received, confirm that: (i) the
9.9 required action was filed; (ii) all reasonable efforts were made to enter judgment, unless
9.10 the matter was settled while the action was pending; and (iii) all reasonable efforts were
9.11 made to enforce the judgment.

9.12 Subd. 2. Collateral audits. (a) By April 30 each year, a surety must audit each licensed
9.13 bail bond producer's bonds written during the previous calendar year to ensure the licensed
9.14 bail bond producer has complied with this subdivision.

9.15 (b) A collateral audit under this subdivision must include confirmation that:

9.16 (1) a collateral log was maintained;

9.17 (2) a cash collateral account exists;

9.18 (3) the balance of the cash collateral indicated on the collateral log is identical to the
9.19 amount held in the collateral trust account; and

9.20 (4) a collateral receipt exists for collateral collected, as represented by a sampling of the
9.21 lesser of: (i) 20 percent of all bonds secured by collateral; or (ii) 12 bonds that were secured
9.22 by collateral.

9.23 Subd. 3. Audits report. (a) By May 31 each year, a surety must prepare a report of the
9.24 audits conducted under this section during that year. The report must include:

9.25 (1) a list of the bonds audited under subdivision 1 for each producer, including the power
9.26 of attorney number used for each audited bond and whether full premium payment was
9.27 made by the date the audit occurred;

9.28 (2) a list of the bonds included in a follow-up review of the previous year's audit,
9.29 including whether full premium payment was collected by the date the audit occurred;

9.30 (3) the compliance certifications required under section 60M.07, subdivision 4; and

9.31 (4) details regarding any violations discovered during the audit or a statement that no
9.32 violations were discovered, as applicable.

10.1 (b) The annual report under this subdivision must be maintained for a period of at least
 10.2 36 months from the date the report is complete. Annual reports must be submitted to the
 10.3 commissioner by June 30 each year.

10.4 **Sec. 5. [60M.05] SOLICITATION.**

10.5 Subdivision 1. **Solicitation generally.** (a) A producer is prohibited from, in or on the
 10.6 grounds of a jail, prison, or other location where an incarcerated person is confined, or in
 10.7 or on the grounds of a court:

10.8 (1) approaching, enticing, inviting, or soliciting a person to use a bail bondsman's services;

10.9 (2) distributing, displaying, or wearing an item that advertises a bail bondsman's services;

10.10 or

10.11 (3) otherwise soliciting business as a bail bondsman.

10.12 (b) Notwithstanding paragraph (a), clause (3), permissible print advertising in a jail is
 10.13 limited to:

10.14 (1) a listing in a telephone directory; and

10.15 (2) posting the producer's or bail bond agency's name, address, and telephone number
 10.16 in a designated location within the jail, as approved by the jail.

10.17 Subd. 2. **Identification; marketing material.** A producer is prohibited from wearing
 10.18 or displaying any information, other than identification approved by the surety or bail bond
 10.19 agency, which constitutes marketing material that a surety or bail bond agency must approve
 10.20 and maintain under Minnesota Rules, chapter 2790. A producer is prohibited from displaying
 10.21 any information constituting marketing material in or on the property or grounds of: (1) a
 10.22 jail, prison, or other location where incarcerated people are confined; or (2) a court.

10.23 Subd. 3. **Other prohibited conduct.** (a) A producer is prohibited from loitering in or
 10.24 about the courthouse, jail, or any other place where individuals are held in custody.

10.25 (b) A producer is prohibited from making unauthorized and unsolicited cold calls without
 10.26 having first spoken with or having a connection to a criminal defendant.

10.27 (c) A producer or bail bond agency is prohibited from initiating in-person or telephone
 10.28 solicitation before 8:00 a.m. or after 9:00 p.m.

10.29 (d) A producer is prohibited from soliciting a bond to a person by recorded or electronic
 10.30 communication, or by live telephone contact, unless the producer otherwise complies with
 10.31 applicable state and federal law, including but not limited to:

11.1 (1) the National Do Not Call Registry under Code of Federal Regulations, title 16, part
 11.2 310; and

11.3 (2) the Telephone Consumer Protection Act of 1991, Code of Federal Regulations, title
 11.4 47, part 64.1200.

11.5 (e) A surety, bail bond agency, or producer is prohibited from obtaining a credit check
 11.6 on a person unless the person has authorized the surety, bail bond agency, or producer to
 11.7 do so in writing. The surety, bail bond agency, or producer must retain the written
 11.8 authorization provided by the person subject to the credit check.

11.9 Subd. 4. **Compliance with other law.** (a) A surety, bail bond agency, and producer
 11.10 must comply with all federal and state privacy laws related to information provided to a
 11.11 producer during the application process and during bond underwriting by a bond principal,
 11.12 indemnitor, or other person.

11.13 (b) A surety, bail bond agency, and producer must comply with sections 60K.46,
 11.14 subdivision 6; 72A.494; 72A.496, subdivision 1; 72A.501; and 72A.502, subdivision 1.

11.15 (c) A surety, bail bond agency, and producer must receive preauthorization before
 11.16 collecting and disclosing personal or privileged information about an applicant or proposed
 11.17 insured, and must provide all notices otherwise required by Minnesota law.

11.18 (d) A surety, bail bond agency, and producer must otherwise comply with all applicable
 11.19 Minnesota law.

11.20 Subd. 5. **Insurance transaction.** The act of soliciting, underwriting, negotiating, or
 11.21 selling a bail bond constitutes an insurance transaction.

11.22 Sec. 6. **[60M.06] UNLICENSED INDIVIDUALS; NO REBATES OR PAYMENT.**

11.23 (a) A surety, bail bond agency, or producer is prohibited from paying a fee or commission,
 11.24 or otherwise giving or promising anything of value, to: (1) a jailer, police officer, peace
 11.25 officer, or any other person who has the power to arrest or hold an individual in custody;
 11.26 or (2) a judge, public official, or public employee.

11.27 (b) A surety, bail bond agency, or producer is prohibited from paying a fee or rebate, or
 11.28 otherwise giving or promising anything of value, to the individual seeking the producer's
 11.29 services or the individual seeking the producer's services on another individual's behalf.

11.30 (c) A surety, bail bond agency, or producer is prohibited from paying a fee or commission,
 11.31 or otherwise giving or promising anything of value, to a person for selling, soliciting, or
 11.32 negotiating a bail bond if the person is not properly licensed as a producer.

12.1 (d) A surety, bail bond agency, or producer is prohibited from paying a fee, rebate, or
 12.2 commission, or otherwise giving or promising anything of value, to an inmate for referring
 12.3 business or for any other reason related to soliciting, negotiating, or selling a bail bond.

12.4 **Sec. 7. [60M.07] OTHER PROVISIONS.**

12.5 Subdivision 1. **Compliance with standards of conduct.** A producer must comply with
 12.6 the Minnesota Court Administrator's Office's bail bond procedures and standards of conduct,
 12.7 including but not limited to while in or on the property of courts, jails, or other detention
 12.8 facilities in Minnesota. A surety or bail bond agency must require the surety or bail bond
 12.9 agency's producers to affirm that the producer complies with any changes to the bail bond
 12.10 procedures and standards of conduct as the changes are posted to the Minnesota state court
 12.11 website or the Minnesota Court Administrator's Office's website.

12.12 Subd. 2. **No waiver.** A producer is prohibited from soliciting or accepting a waiver of
 12.13 any requirement under this chapter.

12.14 Subd. 3. **Record maintenance.** (a) A bail bond agency and producer must maintain the
 12.15 following records on each bond for at least seven years after the date the bond is terminated:

12.16 (1) power of attorney;

12.17 (2) premium receipts;

12.18 (3) the promissory note for unpaid premium, if any;

12.19 (4) the cash bond amount set by the court, if an amount less than the filed rate is accepted
 12.20 for the premium;

12.21 (5) all documents related to any lawsuit filed to collect the premium;

12.22 (6) indemnity agreements;

12.23 (7) collateral receipts, if any;

12.24 (8) proof that collateral was returned, if any;

12.25 (9) proof of bond exoneration or forfeiture payment;

12.26 (10) all records relating to liquidating and converting collateral, including fees or costs;
 12.27 and

12.28 (11) proof of any expenses incurred or losses paid by the surety, bail bond agency, or
 12.29 producer.

13.1 (b) A bail bond agency and producer must maintain all premium account, collateral
13.2 account, and operating account bank records, including deposit slips, for at least seven years
13.3 after the records are made available.

13.4 (c) All records that a bail bond agency or producer maintain under this chapter must be
13.5 kept in the bail bond agency or producer's office, as applicable. If a bail bond agency or
13.6 producer's relationship with a surety is terminated, the information and documentation must
13.7 be immediately transferred to:

13.8 (1) the bail bond agency, if the producer is terminated; or

13.9 (2) the surety, if the bail bond agency is terminated.

13.10 (d) A bail bond agency and producer's records must be available for the commissioner
13.11 or the surety to inspect, with or without notice.

13.12 Subd. 4. **Compliance certification.** (a) During the surety's annual audit of a producer,
13.13 the producer must sign a compliance certification form that attests to the producer's
13.14 compliance with this chapter during the previous calendar year.

13.15 (b) Before a producer is appointed by a surety and at each license renewal thereafter, a
13.16 producer must sign an affidavit of compliance form in which the producer acknowledges
13.17 the producer is familiar and continually complies with the requirements under this chapter.
13.18 The surety must retain completed affidavits and send requested affidavits to the commissioner
13.19 within ten days of the date an affidavit is requested.

13.20 (c) The commissioner must establish the compliance certification and affidavit of
13.21 compliance forms for use under this subdivision.

13.22 Subd. 5. **Producer termination; notice.** (a) If a producer's relationship with a surety is
13.23 voluntarily or involuntarily terminated due to a violation of this chapter or because the
13.24 surety determined the producer violated this chapter during an annual audit, the surety must,
13.25 within 30 days of the date the producer is terminated, provide the commissioner with the
13.26 terminated producer's name and the reason the producer was terminated.

13.27 (b) Another surety is prohibited from appointing a producer subject to a termination
13.28 under paragraph (a) unless the department approves the appointment.