

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 373

By: Sparks

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5  
6 AS INTRODUCED

7 An Act relating to bail bondsman; amending 59 O.S.  
8 2011, Section 1306, as amended by Section 2, Chapter  
9 150, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1306),  
10 which relates to professional bondsman; requiring  
11 certain audited financial statements; amending  
12 Section 3, Chapter 53, O.S.L. 2014 (59 O.S. Supp.  
13 2014, Section 1306A), which relates to multicounty  
14 agent bondsman; updating provisions for multicounty  
15 agent bondsman; authorizing transferee to apply for  
16 certain license upon certain condition; amending 59  
17 O.S. 2011, Section 1309, as last amended by Section  
18 1, Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014,  
19 Section 1309), which relates to renewal of license;  
20 requiring certain financial statement; amending 59  
21 O.S. 2011, Section 1310, as amended by Section 4,  
22 Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014, Section  
23 1310), which relates to suspension of license;  
24 prohibiting retention of certain collateral for  
nonpayment of premium; clarifying language;  
prohibiting posting bond without certain agreement;  
amending 59 O.S. 2011, Section 1311.3, as amended by  
Section 1, Chapter 373, O.S.L. 2014 (59 O.S. Supp.  
2014, Section 1311.3), which relates to unlawful  
acts; modifying language; amending 59 O.S. 2011,  
Section 1314, as amended by Section 5, Chapter 53,  
O.S.L. 2014 (59 O.S. Supp. 2014, Section 1314), which  
relates to written receipt for collateral; including  
multicounty agent bondsman; amending 59 O.S. 2011,  
Section 1315, as last amended by Section 5, Chapter  
150, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1315),  
which relates to persons prohibited for bondsman  
licensure; clarifying language; amending 59 O.S.  
2011, Section 1316, as last amended by Section 2,  
Chapter 385, O.S.L. 2014 (59 O.S. Supp. 2014, Section  
1316), which relates to submission of agreements for

1 approval; deleting requirement for certain agreement  
2 prior to appointment; including multicounty agent  
3 bondsman; amending 59 O.S. 2011, Section 1317, as  
4 last amended by Section 3, Chapter 385, O.S.L. 2014  
5 (59 O.S. Supp. 2014, Section 1317), which relates to  
6 filing fee; including multicounty agent bondsman;  
7 amending 59 O.S. 2011, Section 1320, as last amended  
8 by Section 4, Chapter 385, O.S.L. 2014 (59 O.S. Supp.  
9 2014, Section 1320), which relates to registration of  
10 license; making gender neutral; requiring certain  
11 appointment by power of attorney be filed; setting  
12 fee to register; amending 59 O.S. 2011, Section 1321,  
13 which relates to qualifications of sureties;  
14 including multicounty agent bondsman; authorizing  
15 certain electronic submission of forms and payments;  
16 providing for codification; providing an effective  
17 date; and declaring an emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1306, as  
20 amended by Section 2, Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014,  
21 Section 1306), is amended to read as follows:

22 Section 1306. A. 1. An applicant for a cash bondsman license  
23 shall meet all requirements set forth in Section 1305 of this title  
24 with exception of the one-year residence requirement. An applicant  
for a cash bondsman license shall affirmatively show that the  
applicant has been a bona fide resident of the state for six (6)  
months.

2. In addition to the requirements prescribed in Section 1305  
of this title, an applicant for a professional bondsman license  
shall submit to the Insurance Commissioner an audited financial

1 ~~statements~~ statement prepared by an accounting firm or individual  
2 holding a permit to practice public accounting in this state in  
3 accordance with ~~generally accepted principles of accounting~~  
4 ~~procedures~~ the Statements on Auditing Standards (SAS) setting forth  
5 the total assets of the bondsman less liabilities and debts as  
6 follows: For all applications made prior to November 1, 2006, and  
7 the subsequent renewals of a license issued upon the application  
8 when continuously maintained in effect as required by law, the  
9 statement shall show a net worth of at least Fifty Thousand Dollars  
10 (\$50,000.00). For all applications made on and after November 1,  
11 2006, and the subsequent renewals of a license issued upon the  
12 application when continuously maintained in effect as required by  
13 law, or for the renewal or reinstatement of any license that is  
14 expired pursuant to subsection D of Section 1309 of this title,  
15 suspended or revoked, the statement shall show a net worth of at  
16 least One Hundred Fifty Thousand Dollars (\$150,000.00), the  
17 statements to be current as of a date not earlier than ninety (90)  
18 days prior to submission of the application and the statement shall  
19 be attested to by an unqualified opinion of the accountant.

20 3. Professional bondsman applicants shall make a deposit with  
21 the Insurance Commissioner in the same manner as required of  
22 domestic insurance companies of an amount to be determined by the  
23 Commissioner. For all applications made prior to November 1, 2006,  
24 and the subsequent renewals of a license issued upon the application

1 when continuously maintained in effect as required by law, the  
2 deposit shall not be less than Twenty Thousand Dollars (\$20,000.00).  
3 For all applications made on and after November 1, 2006, and the  
4 subsequent renewals of a license issued upon the application when  
5 continuously maintained in effect as required by law, or for the  
6 renewal or reinstatement of any license that is expired pursuant to  
7 subsection D of Section 1309 of this title, suspended or revoked,  
8 the deposit shall not be less than Fifty Thousand Dollars  
9 (\$50,000.00). The deposits shall be subject to all laws, rules and  
10 regulations as deposits by domestic insurance companies but in no  
11 instance shall a professional bondsman write bonds which equal more  
12 than ten times the amount of the deposit which the bondsman has  
13 submitted to the Commissioner. Such deposit shall require the  
14 review and approval of the Insurance Commissioner prior to exceeding  
15 the maximum amount of Federal Deposit Insurance Corporation basic  
16 deposit coverage for any one bank or financial institution. In  
17 addition, a professional bondsman may make the deposit by purchasing  
18 an annuity through a licensed domestic insurance company in the  
19 State of Oklahoma. The annuity shall be in the name of the bondsman  
20 as owner with legal assignment to the Insurance Commissioner. The  
21 assignment form shall be approved by the Commissioner. If a  
22 bondsman exceeds the above limitation, the bondsman shall be  
23 notified by the Commissioner that the excess shall be reduced or the  
24 deposit increased within ten (10) days of notification, or the

1 license of the bondsman shall be suspended immediately after the  
2 ten-day period, pending a hearing on the matter.

3 4. The deposit provided for in this section shall constitute a  
4 reserve available to meet sums due on forfeiture of any bonds or  
5 recognizance executed by the bondsman.

6 5. Any deposit made by a professional bondsman pursuant to this  
7 section shall be released and returned by the Commissioner to the  
8 professional bondsman only upon extinguishment of all liability on  
9 outstanding bonds. Provided, however, the Commissioner shall have  
10 the authority to review specific financial circumstances and history  
11 of a professional bondsman, on a case-by-case basis, and may release  
12 a portion of the deposit if warranted. The Commissioner may  
13 promulgate rules to effectuate the provisions of this paragraph.

14 6. No release of deposits to a professional bondsman shall be  
15 made by the Commissioner except upon written application and the  
16 written order of the Commissioner. The Commissioner shall have no  
17 liability for any such release to a professional bondsman provided  
18 the release was made in good faith.

19 B. The deposit provided in this section shall be held in  
20 safekeeping by the Insurance Commissioner and shall only be used if  
21 a bondsman fails to pay an order and judgment of forfeiture after  
22 being properly notified or shall be used if the license of a  
23 professional bondsman has been revoked. The deposit shall be held  
24 in the name of the Insurance Commissioner and the bondsman. The

1 bondsman shall execute an assignment or pledge of the deposit to the  
2 Insurance Commissioner for the payment of unpaid bond forfeitures.

3 C. Currently licensed professional bondsmen may maintain their  
4 aggregate liability limits upon presentation of documented proof  
5 that they have previously been granted a limitation greater than the  
6 requirements of subsection A of this section.

7 D. Notwithstanding any other provision of Sections 1301 through  
8 1340 of this title, the license of a professional bondsman is  
9 transferable upon the death or legal or physical incapacitation of  
10 the bondsman to the spouse of the bondsman, or to such other  
11 transferee as the professional bondsman may designate in writing,  
12 and the transferee may elect to act as a professional bondsman for a  
13 period of one hundred eighty (180) days if the following conditions  
14 are met:

15 1. The transferee shall hold a valid license as a surety  
16 bondsman in this state; and

17 2. The asset and deposit requirements set forth in this section  
18 continue to be met.

19 SECTION 2. AMENDATORY Section 3, Chapter 53, O.S.L. 2014  
20 (59 O.S. Supp. 2014, Section 1306A), is amended to read as follows:

21 Section 1306A. A. 1. An applicant for a multicounty agent  
22 bondsman license shall have been continually licensed as a  
23 professional bondsman in the State of Oklahoma for a minimum of two  
24 (2) years immediately prior to the date of application.

1           2. In addition to the requirements prescribed in Sections 1305  
2 and 1306 of ~~Title 59 of the Oklahoma Statutes~~ this title, an  
3 applicant for a multicounty agent bondsman license shall submit to  
4 the Insurance Commissioner ~~a~~ an annual audited financial statement  
5 prepared by an accounting firm or individual holding a permit to  
6 practice public accounting in this state in accordance with the  
7 ~~generally accepted principles of accounting procedures~~ Statements on  
8 Auditing Standards (SAS) setting forth the total assets of the  
9 bondsman less liabilities and debts. For initial applications and  
10 for subsequent renewals of the license, the statement shall show a  
11 net worth of at least Two Hundred Fifty Thousand Dollars  
12 (\$250,000.00). The statement shall be current as of a date not  
13 earlier than ninety (90) days prior to submission of the application  
14 and the statement shall be attested to by an unqualified opinion of  
15 the accountant.

16           3. Multicounty agent bondsman applicants shall make a deposit  
17 with the Insurance Commissioner in the same manner as required of  
18 domestic insurance companies. The deposit shall not be less than  
19 One Hundred Thousand Dollars (\$100,000.00). Provided however, any  
20 and all deposits made pursuant to paragraph 3 of subsection A of  
21 Section 1306 of ~~Title 59 of the Oklahoma Statutes~~ this title shall  
22 count toward the fulfillment of any deposit amount required by this  
23 section. The deposit shall be subject to all laws, rules, and  
24 regulations as deposits by domestic insurance companies but in no

1 instance, except as provided herein, shall a multicounty agent  
2 bondsman write bonds which equal more than twelve times the amount  
3 of the deposit which the bondsman has submitted to the Commissioner;  
4 provided however, any currently licensed professional bondsman in  
5 good standing with the Department and who, on the effective date of  
6 this act, meets the provisions of the grandfather clause set forth  
7 in Section 1306 of ~~Title 59 of the Oklahoma Statutes~~ this title and  
8 who otherwise meets the requirements of this section shall be  
9 afforded the same liability ratio as that of such grandfathered  
10 professional bondsman. Such deposit shall require the review and  
11 approval of the Insurance Commissioner prior to exceeding the  
12 maximum amount of Federal Deposit Insurance Corporation basic  
13 deposit coverage for any one bank or financial institution. In  
14 addition, a multicounty agent bondsman may make the deposit by  
15 purchasing an annuity through a licensed domestic insurance company  
16 in the State of Oklahoma. The annuity shall be in the name of the  
17 bondsman as owner with legal assignment to the Insurance  
18 Commissioner. The assignment form shall be approved by the  
19 Commissioner. If a bondsman exceeds the above limitation, the  
20 bondsman shall be notified by the Commissioner that the excess shall  
21 be reduced or the deposit increased within ten (10) days of  
22 notification, or the license of the bondsman shall be suspended  
23 immediately after the ten-day period, pending a hearing on the  
24 matter.



1           4. The deposit provided for in this section shall constitute a  
2 reserve available to meet sums due on forfeiture of any bonds or  
3 recognizance executed by the bondsman.

4           5. Any deposit made by a multicounty agent bondsman pursuant to  
5 this section shall be released and returned by the Commissioner to  
6 the multicounty agent bondsman only upon extinguishment of all  
7 liability on outstanding bonds. Provided, however, the Commissioner  
8 shall have the authority to review specific financial circumstances  
9 and history of a multicounty agent bondsman, on a case-by-case  
10 basis, and may release a portion of the deposit if warranted. The  
11 Commissioner may promulgate rules to effectuate the provisions of  
12 this paragraph.

13           6. No release of deposits to a multicounty agent bondsman shall  
14 be made by the Commissioner except upon written application and the  
15 written order of the Commissioner. The Commissioner shall have no  
16 liability for any such release to a multicounty agent bondsman  
17 provided the release was made in good faith.

18           B. The deposit provided in this section shall be held in  
19 safekeeping by the Insurance Commissioner and shall only be used if  
20 a bondsman fails to pay an order and judgment of forfeiture after  
21 being properly notified or shall be used if the license of a  
22 multicounty agent bondsman has been revoked. The deposit shall be  
23 held in the name of the Insurance Commissioner and the bondsman.  
24 The bondsman shall execute an assignment or pledge of the deposit to

1 the Insurance Commissioner for the payment of unpaid bond  
2 forfeitures.

3 C. Notwithstanding any other provision of Sections 1301 through  
4 1340 of ~~Title 59 of the Oklahoma Statutes~~ this title, the license of  
5 a multicounty agent bondsman is transferable upon the death or legal  
6 or physical incapacitation of the bondsman to the spouse of the  
7 bondsman or to such other transferee as the multicounty agent  
8 bondsman may designate in writing, and the transferee may elect to  
9 act as a multicounty agent bondsman for a period of one hundred  
10 eighty (180) days if the following conditions are met:

11 1. The transferee shall hold a valid license as a surety  
12 bondsman in this state; ~~and~~

13 2. The asset and deposit requirements set forth in this section  
14 continue to be met; and

15 3. At the end of the one-hundred-eighty-day period the  
16 transferee shall be allowed to apply for a license as a multicounty  
17 agent bondsman; provided he or she has been continuously licensed as  
18 a surety bondsman for at least five (5) years immediately prior to  
19 the date of application, notwithstanding the requirements of  
20 paragraph 1 of subsection A of this section.

21 D. A multicounty agent bondsman may appoint by power of  
22 attorney a licensed surety bondsman as his or her agent to execute  
23 bail bonds within any county in the State of Oklahoma. The number  
24 of bail bonds a multicounty agent bondsman may insure in counties

1 other than the county he or she registers his or her license,  
2 pursuant to subsection A of Section 1320 of ~~Title 59 of the Oklahoma~~  
3 ~~Statutes~~ this title, shall not be limited by subsection B of Section  
4 1320 of ~~Title 59 of the Oklahoma Statutes~~ this title.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1309, as  
6 last amended by Section 1, Chapter 385, O.S.L. 2014 (59 O.S. Supp.  
7 2014, Section 1309), is amended to read as follows:

8 Section 1309. A. A renewal license shall be issued by the  
9 Insurance Commissioner to a licensee who has continuously maintained  
10 same in effect, without further examination, upon payment of a  
11 renewal fee of Two Hundred Dollars (\$200.00) for a cash, property,  
12 surety, or professional bail bondsman or One Thousand Dollars  
13 (\$1,000.00) for a multicounty agent bondsman, and proof of  
14 completion of sixteen (16) hours of continuing education as required  
15 by Section 1308.1 of this title. The renewal fee for licenses  
16 expiring September 15, 2012, shall be prorated to the birth month of  
17 the bondsman. Thereafter the renewal fee shall be submitted  
18 biennially by the last day of the birth month of the bondsman. Such  
19 licensee shall in all other respects be required to comply with and  
20 be subject to the provisions of Section 1301 et seq. of this title.

21 B. An individual holding a professional bondsman license or  
22 multicounty agent bondsman license shall also provide an annual  
23 audited financial statement prepared by an accounting firm or  
24 individual holding a permit to practice public accounting in this

1 state in accordance with ~~generally accepted principles of accounting~~  
2 ~~procedures~~ the Statements on Auditing Standards (SAS) showing  
3 assets, liabilities, and net worth, the annual statement to be as of  
4 a date not earlier than June 30. The statements shall be attested  
5 to by an unqualified opinion of the accounting firm or individual  
6 holding a permit to practice public accounting in this state that  
7 prepared the statement or statements. The statement shall be  
8 submitted annually by the last day of September.

9 C. An individual holding a property bondsman license shall also  
10 provide an annual county assessor's written statement stating the  
11 property's assessed value for each property used to post bonds and a  
12 written statement from any lien holder stating the current payoff  
13 amount on each lien for each property used to post bonds. The  
14 written statements shall be submitted annually by the last day of  
15 September.

16 D. If the license is not renewed or the renewal fee is not paid  
17 by the last day of the birth month of the bondsman, the license  
18 shall expire automatically pursuant to Section 1304 of this title.  
19 After expiration, the license may be reinstated for up to one (1)  
20 year following the expiration date. If after the one-year date the  
21 license has not been reinstated, the licensee shall be required to  
22 apply for a license as a new applicant.

23 E. Reinstatement fees shall be double the original fee.  
24

1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1310, as  
2 amended by Section 4, Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014,  
3 Section 1310), is amended to read as follows:

4 Section 1310. A. The Insurance Commissioner may deny, censure,  
5 suspend, revoke, or refuse to renew any license issued under  
6 Sections 1301 through 1340 of this title for any of the following  
7 causes:

8 1. For any cause for which issuance of the license could have  
9 been refused;

10 2. Violation of any laws of this state or any lawful rule,  
11 regulation, or order of the Commissioner relating to bail;

12 3. Material misstatement, misrepresentation, or fraud in  
13 obtaining the license;

14 4. Misappropriation, conversion, or unlawful withholding of  
15 monies or property belonging to insurers, insureds, or others  
16 received in the conduct of business under the license;

17 5. Conviction of, or having entered a plea of guilty or nolo  
18 contendere to, any felony or to a misdemeanor involving moral  
19 turpitude or dishonesty;

20 6. Fraudulent or dishonest practices or demonstrating financial  
21 irresponsibility in conducting business under the license;

22 7. Failure to comply with, or violation of any proper order,  
23 rule, or regulation of the Commissioner;

24

1 8. Recommending any particular attorney-at-law to handle a case  
2 in which the bail bondsman has caused a bond to be issued under the  
3 terms of Sections 1301 through 1340 of this title;

4 9. When, in the judgment of the Commissioner, the licensee has,  
5 in the conduct of affairs under the license, demonstrated  
6 incompetency, or untrustworthiness, or conduct or practices  
7 rendering the licensee unfit to carry on the bail bond business or  
8 making continuance in the business detrimental to the public  
9 interest;

10 10. When the licensee is no longer in good faith carrying on  
11 the bail bond business;

12 11. When the licensee is guilty of rebating, or offering to  
13 rebate, or dividing with someone other than a licensed bail  
14 bondsman, or offering to divide commissions in the case of limited  
15 surety agents, or premiums in the case of professional bondsmen, and  
16 for this conduct is found by the Commissioner to be a source of  
17 detriment, injury, or loss to the public;

18 12. For any materially untrue statement in the license  
19 application;

20 13. Misrepresentation of the terms of any actual or proposed  
21 bond;

22 14. For forging the name of another to a bond or application  
23 for bond;

24 15. Cheating on an examination for licensure;

1       16. Soliciting business in or about any place where prisoners  
2 are confined, arraigned, or in custody;

3       17. For paying a fee or rebate, or giving or promising anything  
4 of value to a jailer, trustee, police officer, law enforcement  
5 officer, or other officer of the law, or any other person who has  
6 power to arrest or hold in custody, or to any public official or  
7 public employee in order to secure a settlement, compromise,  
8 remission, or reduction of the amount of any bail bond or  
9 estreatment thereof, or to secure delay or other advantage. This  
10 shall not apply to a jailer, police officer, or officer of the law  
11 who is not on duty and who assists in the apprehension of a  
12 defendant;

13       18. For paying a fee or rebating or giving anything of value to  
14 an attorney in bail bond matters, except in defense of an action on  
15 a bond;

16       19. For paying a fee or rebating or giving or promising  
17 anything of value to the principal or anyone in the behalf of the  
18 principal;

19       20. Participating in the capacity of an attorney at a trial or  
20 hearing for one on whose bond the licensee is surety;

21       21. Accepting anything of value from a principal, other than  
22 the premium; provided, the bondsman shall be permitted to accept  
23 collateral security or other indemnity from the principal which  
24 shall be returned immediately upon final termination of liability on

1 the bond and upon satisfaction of all terms, conditions, and  
2 obligations contained within the indemnity agreement; provided,  
3 however, a bondsman shall not refuse to return collateral or other  
4 indemnity because of nonpayment of premium. Collateral security or  
5 other indemnity required by the bondsman shall be reasonable in  
6 relation to the amount of the bond;

7 22. Willful failure to return collateral security to the  
8 principal when the principal is entitled thereto;

9 23. For failing to notify the Commissioner of a change of legal  
10 name, residence address, business address, mailing address, e-mail  
11 address, or telephone number within five (5) days after a change is  
12 made, or failing to respond to a properly mailed notification within  
13 a reasonable amount of time;

14 24. For failing to file a report as required by Section 1314 of  
15 this title;

16 25. For filing a materially untrue monthly report;

17 26. For filing false affidavits regarding cancellation of the  
18 appointment of an insurer;

19 27. Forcing the Commissioner to withdraw deposited monies to  
20 pay forfeitures or any other outstanding judgments;

21 28. For failing to pay any fees to a district court clerk as  
22 are required by this title or failing to pay any fees to a municipal  
23 court clerk as are required by this title or by Section 28-127 of  
24 Title 11 of the Oklahoma Statutes;



1        29. For uttering an insufficient check or electronic funds  
2 transfer to the Insurance Commissioner for any fees, fines or other  
3 payments received by the Commissioner from the bail bondsman;

4        30. For failing to pay travel expenses for the return of the  
5 defendant to custody once having guaranteed the travel expenses  
6 ~~pursuant to the provisions of subparagraph d of paragraph 3 of~~  
7 ~~subsection C of Section 1332 of this title;~~

8        31. The Commissioner may also refuse to renew a licensed  
9 bondsman for failing to file all outstanding monthly bail reports,  
10 pay any outstanding fines, pay any outstanding monthly report  
11 reviewal fees owed to the Commissioner, or respond to a current  
12 order issued by the Commissioner; ~~and~~

13        32. For failing to accept or claim a certified mailing from the  
14 Insurance Department, addressed to the bondsman's mailing address on  
15 file with the Insurance Department; and

16        33. For posting a bond for any defendant without first  
17 obtaining a written or oral agreement with the defendant or co-  
18 signer of the bond.

19        B. In addition to any applicable denial, censure, suspension,  
20 or revocation of a license, any person violating any provision of  
21 Sections 1301 through 1340 of this title may be subject to a civil  
22 penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor  
23 more than Two Thousand Five Hundred Dollars (\$2,500.00) for each  
24 occurrence. This fine may be enforced in the same manner in which

1 civil judgments may be enforced. Any order for civil penalties  
2 entered by the Commissioner or authorized decision maker for the  
3 Insurance Department which has become final may be filed with the  
4 court clerk of Oklahoma County and shall then be enforced by the  
5 judges of Oklahoma County.

6 C. No bail bondsman or bail bond agency shall advertise as or  
7 hold itself out to be a surety company.

8 D. If any bail bondsman is convicted by any court of a  
9 violation of any of the provisions of this act, the license of the  
10 individual shall therefore be deemed to be immediately revoked,  
11 without any further procedure relative thereto by the Commissioner.

12 E. For one (1) year after notification by the Commissioner of  
13 an alleged violation, or for two (2) years after the last day the  
14 person was licensed, whichever is the lesser period of time, the  
15 Commissioner shall retain jurisdiction as to any person who cancels  
16 his bail bondsman's license or allows the license to lapse, or  
17 otherwise ceases to be licensed, if the person while licensed as a  
18 bondsman allegedly violated any provision of this title. Notice and  
19 opportunity for hearing shall be conducted in the same manner as if  
20 the person still maintained a bondsman's license. If the  
21 Commissioner or a hearing examiner determines that a violation of  
22 the provisions of Sections 1301 through 1340 of this title occurred,  
23 any order issued pursuant to the determination shall become a  
24

1 permanent record in the file of the person and may be used if the  
2 person should request licensure or reinstatement.

3 F. Any law enforcement agency, district attorney's office,  
4 court clerk's office, or insurer that is aware that a licensed bail  
5 bondsman has been convicted of or has pleaded guilty or nolo  
6 contendere to any crime, shall notify the Insurance Commissioner of  
7 that fact.

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1311.3, as  
9 amended by Section 1, Chapter 373, O.S.L. 2014 (59 O.S. Supp. 2014,  
10 Section 1311.3), is amended to read as follows:

11 Section 1311.3. A. It shall be unlawful for any person whose  
12 license to act as a bail bondsman has been suspended, revoked,  
13 surrendered, or refused, to do or perform any of the acts of a bail  
14 bondsman. Any person convicted of violating the provisions of this  
15 subsection shall be guilty of a felony and shall be punished by a  
16 fine in an amount not exceeding Five Thousand Dollars (\$5,000.00).

17 B. It shall be unlawful for any bail bondsman to assist, aid,  
18 or conspire with a person whose license as a bail bondsman has been  
19 suspended, revoked, surrendered, or refused, to engage in any acts  
20 as a bail bondsman. Any person convicted of violating the  
21 provisions of this subsection shall be guilty of a felony and shall  
22 be punished by a fine in an amount not to exceed Five Thousand  
23 Dollars (\$5,000.00).

24

1 C. The provisions of this section shall not apply to a person  
2 ~~who within ninety (90) days of the date their~~ whose bail bondsman  
3 license is suspended or revoked in this state who contracts with a  
4 licensed bail enforcer pursuant to the Bail Enforcement and  
5 Licensing Act to cause the apprehension and surrender of his or her  
6 defendant clients to the appropriate authority. The defendant  
7 client must have a current undertaking or bail contract with the  
8 person whose bail bondsman license is suspended or revoked and such  
9 undertaking or bail contract must have been made in this state by  
10 the person whose license is now suspended or revoked. No acts other  
11 than contracting with a licensed bail enforcer to surrender a  
12 defendant client to the appropriate authority shall be authorized or  
13 recognized after a bail bondsman license is suspended or revoked.

14 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1314, as  
15 amended by Section 5, Chapter 53, O.S.L. 2014 (59 O.S. Supp. 2014,  
16 Section 1314), is amended to read as follows:

17 Section 1314. A. When a bail bondsman or managing general  
18 agent accepts collateral, the bail bondsman or managing general  
19 agent shall give a written receipt for same, and this receipt shall  
20 give in detail a full description of the collateral received. A  
21 description of the collateral shall be listed on the undertaking by  
22 affidavit. All property taken as collateral, whether personal,  
23 intangible or real, shall be receipted for and deemed, for all  
24 purposes, to be in the name of, and for the use and benefit of, the

1 surety company or licensed professional bondsman or multicounty  
2 agent bondsman, as the case may be. Every receipt, encumbrance,  
3 mortgage or other evidence of the custody, possession or claim shall  
4 facially indicate that it has been taken or made on behalf of the  
5 surety company or professional bondsman or multicounty agent  
6 bondsman through its authorized agent, the individual licensed  
7 bondsman or managing general agent who has transacted the  
8 undertaking with the bond principal. Any mortgage or other  
9 encumbrance against real property taken under the provisions of this  
10 section which does not indicate beneficial ownership of the claim to  
11 be in favor of the surety company or professional bondsman or  
12 multicounty agent bondsman shall be deemed to constitute a cloud on  
13 the title to real estate and shall subject the person filing, or  
14 causing same to be filed, in the real estate records of the county,  
15 to a penalty of treble damages or One Thousand Dollars (\$1,000.00),  
16 whichever is greater, in an action brought by the person,  
17 organization or corporation injured thereby. For collateral taken,  
18 or liens or encumbrances taken or made pursuant to the provisions of  
19 this section, the individual bondsman or managing general agent  
20 taking possession of the property or making the lien, claim or  
21 encumbrance shall do so on behalf of the surety company or  
22 professional bondsman or multicounty agent bondsman, as the case may  
23 be, and the individual licensed bondsman shall be deemed to act in  
24 the capacity of fiduciary in relation to both:

1           1. The principal or other person from whom the property is  
2 taken or claimed against; and

3           2. The surety company or professional bondsman or multicounty  
4 agent bondsman whose agent is the licensed bondsman.

5           As fiduciary and bailee for hire, the individual bondsman shall  
6 be liable in criminal or civil actions at law for failure to  
7 properly receipt or account for, maintain or safeguard, release or  
8 deliver possession upon lawful demand, in addition to any other  
9 penalties set forth in this subsection. No person who takes  
10 possession of property as collateral pursuant to this section shall  
11 use or otherwise dissipate the asset, or do otherwise with the  
12 property than to safeguard and maintain its condition pending its  
13 return to its lawful owner, or deliver to the surety company or  
14 professional bondsman, upon lawful demand pursuant to the terms of  
15 the bailment.

16           B. Every licensed bondsman shall file monthly electronically  
17 with the Insurance Commissioner and on forms approved by the  
18 Commissioner as follows:

19           1. A monthly report showing every bond written, amount of bond,  
20 whether released or revoked during each month, showing the court and  
21 county, and the style and number of the case, premiums charged and  
22 collateral received; and

23           2. Professional bondsmen and multicounty agent bondsmen shall  
24 submit electronic monthly reports showing total current liabilities,

1 all bonds written during the month by the professional bondsman or  
2 multicounty agent bondsman and by any licensed bondsman who may  
3 countersign for the professional bondsman or multicounty agent  
4 bondsman, all bonds terminated during the month, and the total  
5 liability and a list of all bondsmen currently employed by the  
6 professional ~~bondsmen~~ bondsman or multicounty agent bondsman.

7 Monthly reports shall be submitted electronically to the  
8 Insurance Commissioner by the fifteenth day of each month. The  
9 records shall be maintained by the Commissioner as public records.

10 C. Every licensee shall keep at the place of business of the  
11 licensee the usual and customary records pertaining to transactions  
12 authorized by the license. All of the records shall be available  
13 and open to the inspection of the Commissioner at any time during  
14 business hours during the three (3) years immediately following the  
15 date of the transaction. The Commissioner may require a financial  
16 examination or market conduct survey during any investigation of a  
17 licensee.

18 D. Each bail bondsman shall submit each month with the monthly  
19 report of the bondsman, a renewal fee equal to two-tenths of one  
20 percent (2/10 of 1%) of the new liability written for that month.  
21 The fee shall be payable to the Insurance Commissioner who shall  
22 deposit same with the State Treasurer.

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1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1315, as  
2 last amended by Section 5, Chapter 150, O.S.L. 2013 (59 O.S. Supp.  
3 2014, Section 1315), is amended to read as follows:

4 Section 1315. A. The following persons or classes shall not be  
5 bail bondsmen, shall not perform the acts of a bail bondsman, and  
6 shall not directly or indirectly receive any benefits from the  
7 execution of any bail bond:

8 1. Persons convicted of, or who have pled guilty or nolo  
9 contendere to, any felony or to a misdemeanor involving dishonesty  
10 or moral turpitude;

11 2. Jailers;

12 3. Police officers;

13 4. Committing judges;

14 5. Municipal or district court judges;

15 6. Prisoners;

16 7. Sheriffs, deputy sheriffs and any person having the power to  
17 arrest or having anything to do with the control of federal, state,  
18 county or municipal prisoners;

19 8. Any person who possesses a permit pursuant to the provisions  
20 of Section 163.11 of Title 37 of the Oklahoma Statutes or is an  
21 officer, director or stockholder of any corporation holding such a  
22 permit;

23

24



1       9. Any person who is an agent or owner of any establishment at  
2 which low-point beer as defined by Section 163.2 of Title 37 of the  
3 Oklahoma Statutes is sold for on-premises consumption;

4       10. Any person who holds any license provided for in Section  
5 518 of Title 37 of the Oklahoma Statutes or is an agent or officer  
6 of any such licensee, except for an individual holding an employee  
7 license pursuant to paragraph 20 of subsection A of Section 518 of  
8 Title 37 of the Oklahoma Statutes;

9       11. Any person who holds any license or permit from any city,  
10 town, county, or other governmental subdivision for the operation of  
11 any private club at which alcoholic beverages are consumed or  
12 provided;

13       12. Any person or agent of a retail liquor package store; and

14       13. Any person whose bail bondsman license has been revoked by  
15 the Insurance Commissioner.

16       B. This section shall not apply to a sheriff, deputy sheriff,  
17 police officer, or officer of the law who is not on duty and who  
18 assists in the apprehension of a defendant.

19       C. The provisions of this section shall not apply to persons  
20 possessing permits or licenses pertaining to low-point beer or  
21 alcoholic beverages, as defined in Sections 163.2 and 506 of Title  
22 37 of the Oklahoma Statutes, which were issued prior to May 23,  
23 1984. No one shall be permitted to maintain an office for  
24

1 conducting bail bonds business where low-point beer or alcoholic  
2 beverages are sold for on-premises consumption.

3 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1316, as  
4 last amended by Section 2, Chapter 385, O.S.L. 2014 (59 O.S. Supp.  
5 2014, Section 1316), is amended to read as follows:

6 Section 1316. A. 1. A bail bondsman shall neither sign nor  
7 countersign in blank any bond, nor shall the bondsman give a power  
8 of attorney to, or otherwise authorize, anyone to countersign the  
9 name of the bail bondsman to bonds unless the person so authorized  
10 is a licensed surety bondsman or managing general agent appointed by  
11 a licensed professional bondsman or multicounty agent bondsman  
12 giving the power of attorney. ~~The professional bondsman shall~~  
13 ~~submit to the Insurance Commissioner the agreement between the~~  
14 ~~professional bondsman and the appointed bondsman. The agreement~~  
15 ~~shall be submitted to the Commissioner prior to the appointed~~  
16 ~~bondsman writing bonds on behalf of the professional. The~~  
17 professional bondsman shall notify the Commissioner whenever any  
18 appointment is canceled. If the bondsman surrenders the  
19 professional or multicounty agent bondsman qualification, or the  
20 professional or multicounty agent bondsman qualification is  
21 suspended or revoked, or if an insurer authorized to write bail bond  
22 business surrenders their bail surety line of authority, or this  
23 line of authority is suspended or revoked, then the Commissioner  
24 shall suspend the appointment of all of the bail agents of the

1 professional bondsman, multicounty agent bondsman or insurer. The  
2 Commissioner shall immediately notify any bail agent whose license  
3 is affected and the court clerk of the agent's resident county upon  
4 the suspension or revocation of the qualification of the  
5 professional bondsman. If the professional or multicounty agent  
6 bondsman qualification or the bail surety line of authority is  
7 reinstated within twenty-four (24) hours, the Commissioner shall not  
8 be required to suspend the bail agent appointments. If the  
9 Commissioner reinstates the professional or multicounty agent  
10 bondsman qualification within twenty-four (24) hours, the  
11 Commissioner shall also reinstate the appointment of the bail agents  
12 of the professional bondsman, multicounty agent bondsman or bail  
13 insurer. If more than twenty-four (24) hours elapse following the  
14 suspension or revocation, then the professional bondsman,  
15 multicounty agent bondsman or insurer shall submit new agent  
16 appointments to the Commissioner.

17 2. Bail bondsmen shall not allow other licensed bondsmen to  
18 present bonds that have previously been signed and completed. The  
19 bail bondsman that presents the bond shall sign the form in the  
20 presence of the official that receives the bond.

21 B. Premium charged shall be indicated on the appearance bond  
22 prior to the filing of the bond.

23 C. 1. At the time of payment, a bail bondsman shall provide  
24 the indemnitors with a proper receipt.

1           2. Any receipt provided by a bondsman shall be individually  
2 numbered and include:

3           a. the precise amount of the fees, premium, collateral,  
4 or other payments received by the bondsman,

5           b. copies of any agreements executed relating to the  
6 appearance bond,

7           c. the full name of the defendant,

8           d. the defendant's case number if it is available, and

9           e. full name of the individual(s) presenting the payment.

10          D. All surety bondsmen or managing general agents shall attach  
11 a completed power of attorney to the appearance bond that is filed  
12 with the court clerk on each bond written.

13          E. Any bond written in this state shall contain the name and  
14 last-known mailing address of the bondsman and, if applicable, of  
15 the insurer.

16          SECTION 9.           AMENDATORY           59 O.S. 2011, Section 1317, as  
17 last amended by Section 3, Chapter 385, O.S.L. 2014 (59 O.S. Supp.  
18 2014, Section 1317), is amended to read as follows:

19          Section 1317. A. Every surety or professional bondsman or  
20 multicounty agent bondsman who appoints a surety bondsman or  
21 managing general agent in the state, shall give notice thereof to  
22 the Insurance Commissioner. The filing fee for appointment of each  
23 surety bondsman or managing general agent shall be Ten Dollars  
24 (\$10.00), payable to the Commissioner and shall be submitted with

1 the appointment. The appointment shall remain in effect until the  
2 surety or professional bondsman or multicounty agent bondsman  
3 submits a notice of cancellation to the Commissioner, the license of  
4 the bail bondsman expires, or the Commissioner cancels the  
5 appointment. The Commissioner may cancel a bail surety appointment  
6 if the license of the bondsman is suspended, revoked or nonrenewed.  
7 If the surety changes the liability limitations of the surety  
8 bondsman or the managing general agent, or any other provisions of  
9 the appointment, the surety shall submit an amended appointment form  
10 and a filing fee of Ten Dollars (\$10.00) payable to the  
11 Commissioner.

12 B. A surety terminating the appointment of a surety bondsman or  
13 managing general agent immediately shall file written notice thereof  
14 with the Commissioner, together with a statement that it has given  
15 or mailed notice to the surety bondsman or managing general agent.  
16 The notice filed with the Commissioner shall state the reasons, if  
17 any, for the termination.

18 C. Prior to issuance of a new surety appointment for a surety  
19 bondsman or managing general agent, the bondsman or agent shall file  
20 an affidavit with the Commissioner stating that no forfeitures are  
21 owed to any court, no fines or fees are owed to the insurance  
22 department, and no premiums or indemnification for forfeitures or  
23 fines are owed to any insurer, insureds, or others received in the  
24 conduct of business under the license. If any statement made on the

1 affidavit is found by the Commissioner to be false, the Commissioner  
2 may deny the new surety appointment, apply the sanctions set forth  
3 in Section 1310 of this title or both. This provision shall not  
4 require that all outstanding liabilities have been exonerated, but  
5 may provide that the liabilities are still being monitored by the  
6 bondsman or agent.

7 D. Every bail bondsman who negotiates and posts a bond shall,  
8 in any controversy between the defendant, indemnitor, or guarantor  
9 and the bail bondsman or surety, be regarded as representing the  
10 surety. This provision shall not affect the apparent authority of a  
11 bail bondsman as an agent for the insurer.

12 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1320, as  
13 last amended by Section 4, Chapter 385, O.S.L. 2014 (59 O.S. Supp.  
14 2014, Section 1320), is amended to read as follows:

15 Section 1320. A. No bail bondsman shall become a surety on an  
16 undertaking unless he or she has first registered his or her license  
17 in the office of the sheriff and with the court clerk ~~of the~~  
18 ~~district court~~ in the county in which the bondsman resides or  
19 offices, but not both. In the county in which a bondsman registers  
20 his or her license, ~~he~~ the bondsman shall provide the court clerk  
21 with proof that he or she is a resident of ~~said~~ the county or that  
22 he or she offices in ~~said~~ the county. The court clerk of the county  
23 shall provide a list of bondsmen permitted to write bail in that  
24 county to the judges and law enforcement offices of that county.

1 Law enforcement shall provide the list to any incarcerated  
2 individual upon request. The list shall consist of professional,  
3 multicounty agent, property, cash and surety bail bondsmen. Any  
4 surety bondsman without a current surety appointment shall be  
5 removed from the list. In any county not having a licensed bondsman  
6 authorized to do business within said county, the court having  
7 jurisdiction shall allow and fix bail.

8 ~~A surety bondsman shall also file a certified copy of his~~  
9 ~~appointment by power of attorney from the insurer which he~~  
10 ~~represents as agent with each of said officers. A fee of Twenty~~  
11 ~~Dollars (\$20.00) shall be paid to the district court clerk for each~~  
12 ~~county in which the bail bondsman registers his license. The fee~~  
13 ~~shall be payable biennially by the date of license renewal. The~~  
14 ~~clerk of the district court and the sheriff shall not permit the~~  
15 ~~registration of a bail bondsman unless such bondsman is currently~~  
16 ~~licensed by the Insurance Commissioner under the provisions of~~  
17 ~~Section 1301 et seq. of this title.~~

18 B. Notwithstanding the foregoing provisions of this section, a  
19 bondsman may write bonds on no more than ten defendants per year in  
20 each of the remaining seventy-six counties of this state in which  
21 the bondsman cannot register his license. Provided, however, a  
22 bondsman shall not be limited to writing bonds on only ten  
23 defendants per year in a county which does not have a licensed  
24 bondsman registered in ~~said~~ the county. The bondsman shall advise

1 the court clerk of each such county in writing of his or her  
2 intention to write bonds in the county and shall file a certified  
3 copy of his or her license with ~~and pay a fee of Ten Dollars~~  
4 ~~(\$10.00) to~~ each such court clerk.

5 C. A surety bondsman shall also file with the court clerk a  
6 certified copy of his or her appointment by power of attorney from  
7 the insurer which he or she represents as an agent.

8 D. A fee of Twenty Dollars (\$20.00) shall be paid to the court  
9 clerk for each county in which the surety bail bondsman registers or  
10 files his or her license. The fee shall be payable biennially by  
11 the date of license renewal. The court clerk and the sheriff shall  
12 not permit the registration or filing of a bail bondsman unless such  
13 bondsman is currently licensed by the Insurance Commissioner under  
14 the provisions of Section 1301 et seq. of this title.

15 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1321, is  
16 amended to read as follows:

17 Section 1321. Each and every surety for the release of a person  
18 on bail shall be qualified as:

19 ~~(1)~~ 1. An insurer and represented by a surety bondsman or  
20 bondsmen; ~~or~~

21 ~~(2)~~ 2. A professional bondsman properly qualified and approved  
22 by the Insurance Commissioner; ~~or~~

23 ~~(3)~~ 3. A cash bondsman; ~~or~~

24 ~~(4)~~ 4. A property bondsman; ~~or~~



1        ~~(5)~~ 5. A multicounty agent bondsman properly qualified and  
2 approved by the Insurance Commissioner; or

3        6. A natural person who has reached the age of twenty-one (21)  
4 years, a citizen of the United States and a bona fide resident of  
5 Oklahoma for a period of six (6) months immediately last past and  
6 who holds record title to property in Oklahoma, cash or other things  
7 of value, acceptable to the proper authority approving the bail  
8 bond.

9        SECTION 12.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1341 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12        Notwithstanding any other provision of law that requires a  
13 particular form and associated payment to be filed with the  
14 Insurance Department in paper form, or to be mailed or hand-  
15 delivered to the Insurance Department, the Insurance Commissioner  
16 may, by appropriate order, require that all filings or payments of  
17 that specific type be filed or delivered in an electronic format.

18        SECTION 13. This act shall become effective July 1, 2015.

19        SECTION 14. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23

24        55-1-801            NP            1/21/2015 1:52:32 PM