

GOVERNOR  
MARY FALLIN



INSURANCE COMMISSIONER  
JOHN D. DOAK

INSURANCE COMMISSIONER  
**State of Oklahoma**

**To:** All Interested Parties

**From:** Buddy Combs  
Assistant General Counsel  
Rulemaking Liaison

**Date:** February 1, 2013

**Subject:** Notice of proposed permanent rulemaking action by the Oklahoma Insurance Department, Title 365

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The Oklahoma Insurance Department has submitted notices of rulemaking intent to the Office of Administrative Rules for Chapters 1, 15, 25, and 40 of the Insurance Department Rules found in Title 365 of the Oklahoma Administrative Code.

Copies of the notices of rulemaking intent for the proposed new rules and amendments are enclosed for your review. The notices set forth summaries of the proposed changes and information regarding the public comment period and public hearing date.

Copies of the notices, rule impact statements, and text of the proposed permanent rules and amendments may be obtained by contacting the Insurance Department at the address and telephone number set out below. The notices, rule impact statements, and text of the proposed rules and amendments may be viewed on the website of the Insurance Department at [www.ok.gov/oid](http://www.ok.gov/oid) by clicking on the drop down menu item "Public Information" and then clicking on "Legal" followed by clicking on "Statutes and Rules" and then the link "Rule Amendments – Insurance Department, Title 365."

This is the final year that notices of Insurance Department rulemaking will be sent in hard copy format. All future notices will be sent via email. If you are not already on the email distribution list, please send an email to [sherry.standerfer@oid.ok.gov](mailto:sherry.standerfer@oid.ok.gov) requesting email notification.

Please address any comments or questions to:

Oklahoma Insurance Commissioner  
State Insurance Department  
Attn: Buddy Combs  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, OK 73112  
(405) 521-2746

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9.	Description of Forms and Instructions
365:1-9-18.	Bail bond forms [AMENDED]

**SUMMARY:**

The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman execute a “pledge of the certificate of deposit” and an “assignment of the annuity deposit” regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

**AUTHORITY:**

Insurance Commissioner, 59 O.S. § 1302

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Assistant General Counsel, (405) 521-2746.

## RULE IMPACT STATEMENT

### 1. RULE

#### Proposed PERMANENT rules:

Subchapter 9. Description of Forms and Instructions  
365:1-9-18. Bail bond forms [AMENDED]

### 2. PURPOSE

The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman execute a “pledge of the certificate of deposit” and an “assignment of the annuity deposit” regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

### 3. CLASSES AFFECTED:

A. Bail Bondsmen

### 4. COST IMPACTS ON PRIVATE OR PUBLIC ENTITIES:

No information

### 5. CLASSES BENEFITTED:

A. Bail Bondsmen

### 6. ECONOMIC IMPACT:

Unknown

### 7. PROBABLE COST TO AGENCY AND EFFECT ON STATE REVENUES:

None Anticipated

### 8. SOURCE OF REVENUE:

Normal yearly budgeted funds

### 9. MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:

None

### 10. EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:

Unknown

### 11. LESS COSTLY/LESS INTRUSIVE METHODS:

Unknown

### 12. EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF RULE NOT IMPLEMENTED:

Unknown

### 13. EFFECT ON SMALL BUSINESS

Implementation of the proposed rule will not have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

### 14. DATE PREPARED:

February 1, 2013

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

**RULEMAKING ACTION:**

Proposed PERMANENT Rules

**PROPOSED RULES:**

Subchapter 9. Description of Forms and Instructions  
365:1-9-18. Bail bond forms [AMENDED]

**AUTHORITY:**

Insurance Commissioner, 59 O.S. § 1302

**ANALYSIS:**

The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman execute a “pledge of the certificate of deposit” and an “assignment of the annuity deposit” regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

**CHAPTER 1. ADMINISTRATIVE OPERATIONS  
SUBCHAPTER 9. DESCRIPTION OF FORMS AND INSTRUCTIONS**

**365:1-9-18. Bail bond forms.**

(a) **Application for bail bondsman license form.** Unless otherwise provided by electronic means by the Insurance Commissioner or an administrator approved by the Commissioner, bail bond applications must be completed by the person making application and, upon completion, must comply with the applicable Oklahoma statutes. The application for a bail bondsman's license form is to be completed by the person making application, and includes shall include the license fee, a complete set of fingerprints, ~~two~~one recent credential-size full face ~~photographs~~photograph, an investigative fee and evidence of completion of ~~twenty (20)~~sixteen (16) hours of education. ~~The fee for examination shall be submitted after approval of the application, but prior to taking the examination.~~The Commissioner may propose any reasonable interrogatories to an applicant for a license.

(b) **Bail bondsman license forms.** The bail bondsman license form, executed under the hand and seal of the Insurance Commissioner, upon execution and delivery, is evidence of an individual's authority to act as a bail bondsman within Oklahoma.

(c) **Bail bond appointment form.** The bail bond appointment form (~~BR-11~~) is to be completed by ~~an~~ a ~~surety insurer/professional~~ when appointing specific surety bondsmen as agents of the ~~surety insurer/professional and at the yearly renewal of surety/professional appointments.~~

(d) **Bail bond appointment cancellation form.** The notice of cancellation of bondsman ~~surety insurer/professional~~ appointment form is to be used by a ~~surety insurer/professional~~ when they desire to cancel the appointment of a surety bondsman.

~~(e) **Bail bond license status form.** The Bail Bond License Status form is completed by the Department and mailed to the appropriate court clerk for any status change pertaining to a licensed bondsman.~~

~~(f)~~(e) **Professional bondsman securities deposit/withdrawal form.** The deposit/withdrawal form (State Form 31) is used for all professional bondsmen for depositing/withdrawing securities with the State Treasurer through the Insurance Commissioner's office.

~~(g)~~ (f) **Pledge of Account form.** The bondsman shall execute ~~an assignment~~ a pledge of the certificate of deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

~~(g)~~ **Assignment of Account form.** The bondsman shall execute ~~an assignment~~ of the annuity deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

~~(h)~~ **Acknowledgement of Notice form.** The ~~Acknowledgement of Notice form~~ is to be completed by the Financial Institution acknowledging receipt of a signed copy of the pledge of account on each professional deposit.

~~(h)~~ **Proof of courses.** As a prerequisite for submission of a renewal or reinstatement application, when requested by the Insurance Commissioner, each licensee shall have completed the total number of continuing education hours required.

~~(i)~~ **Required submissions for reinstatement.** After the license expires and within one year after the license expiration date, a licensee shall be eligible for reinstatement by completing required Continuing Education and submitting a new application and double the license fee. A licensee shall not be eligible for reinstatement if previously the license was revoked, suspended, or continuance was denied.

~~(j)~~ **Name change on an individual license.** Name changes for an individual license require proper documentation at the time of the written request, such as a copy of a court order, marriage license, or divorce decree. A duplicate license fee shall be submitted for a new licensed to be issued.