

# Oklahoma Bondsman Association Continuing Education 2014 Insurance Department Update

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## About me

- Attorney assigned to Bail Bonds Division
- All areas of bail regulation: statutory interpretation and application, licensing, administrative action
- At the Department since October 2012
- University of Oklahoma, BBA/Finance
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# OBA CE 2014

## Bail Statutes – New & Amendments

- HB 2407 – Multi County Agent Bondsman (MCA)
- HB 2928 – Oklahoma Insurance Department Bill
- SB 2003 – Bail Enforcer
- Questions

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## HB 2407

- Multi County Agent Bondsman (MCA)
- Signed by the Governor 04-16-2014

## 59 O.S. § 1301(B)(13)

“Multicounty agent bondsman” means a professional bondsman who has been approved by the Commissioner and who otherwise complies with the provisions of Section 1306 of this title.

- Defines a new bail bondsman license type, aka, Line of Authority (LoA).
- Multicounty agent bondsman (MCA) must first hold the professional LoA.

## 59 O.S. § 1305(D)

In addition to the license fee set forth in subsection C of this section, an applicant for a multicounty agent bondsman license shall furnish to the Commissioner a license fee of Seven Hundred Fifty Dollars (\$750.00).

- Subsection C requires a Two Hundred Fifty Dollar (\$250.00) license fee.
- Total license fee to add the Multicounty agent (MCA) bondsman license (LoA) is One Thousand Dollars (\$1,000.00).

## 59 O.S. § 1309(A)

A renewal license shall be issued by the Insurance Commissioner to a licensee who has continuously maintained same in effect, without further examination, upon payment of a renewal fee of Two Hundred Dollars (\$200.00) for a cash, property, surety, or professional bail bondsman or One Thousand Dollars (\$1,000.00) for a multicounty agent bondsman.

- License renewal fee for a bail bondsman that holds ONLY the MCA LoA is One Thousand Dollars (\$1,000.00).
- If bail bondsman holds the MCA LoA and another LoA (Cash, Property Bail, or Surety Bail) the total renewal fee is One Thousand Two Hundred Dollars (\$1,200.00).

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## 59 O.S. § 1309(B)

- An individual holding a professional bondsman license or multicounty agent bondsman license shall also provide an annual financial statement.
- The new multicounty agent bondsman (MCA) must submit an annual financial statement similar to what professional's submit to the Oklahoma Insurance Department.

## 59 O.S. § 1314 – summary

Adds the new Multicounty Agent Bondsman (MCA) to section 1314(A); statute relating to security collateral.

Adds the new Multicounty Agent Bondsman (MCA) to section 1314(B); statute relating to filing of electronic reports.

## 59 O.S. § 1306A, New Law

- Applicant for multicounty agent bondsman must be licensed as a professional bondsman for two (2) years prior to filing application to add the new MCA LoA.
- Financial Statement to be submitted with application for MCA license.
- Financial Statement must show a net worth of at least Two Hundred Fifty Thousand Dollars (\$250,000.00).
- Financial Statement to be current as of a date not earlier than ninety (90) days prior to application for MCA.

## 59 O.S. § 1306A, New Law (contd)

- MCA shall deposit not less than One Hundred Thousand Dollars (\$100,000.00) with the Oklahoma Insurance Department.
- MCA may write bonds equal to twelve times the amount of the deposit. (Unless grandfathered)
- The majority of the new law mirrors the current laws regarding professional bail bondsmen.

## HB 2928

- Oklahoma Insurance Department Bill
- Sent to the Governor 05-22-2014
- Signed by the Governor 06-03-2014

## 59 O.S. § 1309(B)

- Changes the annual Financial Statement date to be as of a date not earlier than June 30.

## 59 O.S. § 1316(C)

At the time of payment, the bail bondsman must provide indemnitors with a proper receipt. Receipt must –

- Be individually numbered,
- Indicate precise amount of fees, premium, collateral, or other payments received,
- Copies of any agreements executed relating to the appearance bond,
- Full name of the defendant,
- Case number, if available, and
- Full name of individual(s) presenting the payment.

## 59 O.S. § 1317(C)

- Adds “or fees” owed to the Oklahoma Insurance Department in the required Affidavit for new appointments.
- The Oklahoma Insurance Department will deny an appointment if the bail bondsman owes fines to the Legal Division or owes fees to the Bail Bond Division.
- The Oklahoma Insurance Department can also fine or suspend a bail bondsman for submitting a false Affidavit.

## 59 O.S. § 1320(A)

- Relates to the list of bondsmen that the court clerk provides to the judges and law enforcement offices of the county.
- Adds “Law enforcement shall provide the list to any incarcerated individual upon request.”
- Clarifies that any surety bondsman without a current surety appointment shall be removed from the list.

## 59 O.S. § 1332(A)

- The Court shall issue within ten (10) days an arrest warrant for the defendant and declare the undertaking (bond) forfeited.
- Adds “Within fifteen (15) days from the date of the forfeiture, the order and judgment of forfeiture shall be filed with the clerks of the trail court. Failure to timely issue the arrest warrant or file the order and judgment of forfeiture as provided in this subsection shall exonerate the bond by operation of law.”

## 59 O.S. § 1332(C)(4)(c)

- Clarifies that bondsman has to request hold be placed on the defendant in the jurisdiction where the forfeiture lies and guarantees reasonable travel expenses for the return of the defendant when the defendant is arrested or incarcerated within Oklahoma.

## SB 2003

- Bail Enforcement and Licensing
- Sent to the Governor 05-23-2014
- Signed by the Governor 05-28-2014

# Bail Statute

- 59 O.S. § 1311.3 Unlawful to Perform Acts as Bail Bondsman Without Valid License
- Adds paragraph C.
- This section shall not apply to a person who within ninety (90) days of their bail bonds license being suspended or revoked who contracts with a licensed bail enforcer to apprehend and surrender a defendant.
- The defendant client must have a current appearance bond or bail contract with the suspended or revoked bail bondsman.

# Bail Statute

New Law. Adds 59 O.S. § 1311.4

Notwithstanding any provision of the Bail Enforcement and Licensing Act to the contrary, a licensed bondman in this state may seek assistance from, or provide assistance to, another licensed bondsman in this state or another state for purposes of apprehension and surrender of their defendant client whose undertaking or bail contract was written by the licensed bondsman or a bondsman appointed by an insurer doing business in this state; provided, the licensed bondsmen have a continuously valid license for five (5) or more years beginning the effective date of this act. The bondsman licensed in this state shall be required to obtain and maintain proof of the other bondsman's valid license and license duration requirement prior to permitting such person to engage in any act requiring a license in this state.

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# Bail Enforcement Statute

- 59 O.S. § 1350.2
  - Changes Bail Enforcement and Licensing Act effective date from July 1, 2014 to February 1, 2015.
- 59 O.S. § 1350.12
  - Adds that it is unlawful for anyone not licensed as a bail enforcement agent to mark a vehicle, wear clothing, or display a badge or id card bearing the words “bail enforcer”, “bail enforcement”, or “bail enforcement agency” or use any other words that imply that a person is licensed under the Bail Enforcement Act.

# Bail Enforcement Statute (contd)

- 59 O.S. § 1350.14
  - Bail Enforcement applicant or licensee may request that their physical residence address not be disseminated to the public.
- 59 O.S. § 1750.14
  - Adds subsection D. Exempts licensed bail bondsmen from having a client contract or being a licensed bail enforcer prior to apprehending a defendant.  
“The provisions of this section shall not apply to licensed bondsmen in this state appointed by an insurer doing business in this state with regard to a defendant on a bond posted by that insurer, provided the appointed bondsman has been continuously licensed in this state for a period of five (5) years or more beginning on the effective date of this act.”

# Reminders for Bail Bondsmen

- License Renewals –
  - Licenses expire every 2 years
  - OID will send you an e-mail 45 days before your license expires (last day of your birth month)
  - You can renew at any time after being notified
  - Expired licenses may be reinstated at double the original fee

# Reminders for Bail Bondsmen

- Reports
  - Due on or before the 15<sup>th</sup> of each month
  - You don't have to wait until the 15th
  - Even 1 day late is still late
  - Can result in censure or fine

# Questions?

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