

SUBCHAPTER 5. BAIL BONDSMEN**PART 5. GENERAL PROVISIONS PERTAINING TO BAIL BONDSMEN****365:25-5-30. Definitions**

The following words or terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"Limited surety agent" means any individual who is duly licensed by the Commissioner and is appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and receives or is promised money or other things of value.

"Premium" means a sum of money charged by the bail bondsman for services rendered on behalf of the principal. Nothing in this section shall be construed to include collateral security received by the bail bondsman in the definition of premium.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-31. Business and residence addresses on applications

Original and renewal applications shall include the following:

- (1) applicant's residence mailing address,
- (2) applicant's residence street (physical) address,
- (3) prospective place of business mailing address, and
- (4) prospective place of business street (physical) address.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-32. Examination fees

A fee of One Hundred Dollars (\$100.00) is required before an applicant may take the bail bondsman examination. An additional One Hundred Dollar (\$100.00) examination fee is required for each subsequent examination as described in 59 O.S. §1308.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-33. Change of address requirements

59 O.S. §1310 requires bail bondsmen to notify the Insurance Commissioner within five (5) days after a change of address. This notification must include:

- (1) signature of the bondsman,
- (2) date of the notification, and
- (3) the bondsman's current telephone number.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-34. Professional bondsman deposits

Bondsman making an original deposit required by 59 O.S. § 1306, or replacing any portion of a deposit shall deliver the deposit to the office of the Insurance Commissioner in Oklahoma City, Oklahoma. The bondsman shall appear in person at the office of the Insurance Commissioner to execute an assignment of the deposit to the Insurance Commissioner as instructed by 59 O.S. § 1306.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93; Amended at 14 Ok Reg 2307, eff 7-1-97; Amended at 19 Ok Reg 1325, eff 7-14-02]

365:25-5-35. Bondsman license renewal

(a) Pursuant to 59 O.S. § 1309, bondsmen are required to renew their licenses annually. Requirements for a complete renewal filing for a bondsman shall be submitted by September 15 each year and must include each of the following:

- (1) \$100 renewal fee,
- (2) proof of completion of eight (8) hours of continuing education, and
- (3) for professional bondsmen, a financial statement prepared in accordance with 59 O.S. § 1309(B).
- (4) In case of renewal of a property bondsman license, the application shall also provide a county assessor's written statement stating the property's assessed value for each property used to post bonds and a written statement from any lien holder stating the current payoff amount on each lien for each property used to post bonds. The written statements shall be submitted by September 15 of each year.

(b) Renewal filings or partial renewal filings submitted after September 30 will be assessed a \$100 late renewal fee in addition to the usual \$100 renewal fee.

(c) Failure to complete the renewal process by November 30 will result in non-renewal and the bondsman will be required to apply for a license as a new applicant.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93; Amended at 15 Ok Reg 265, eff 10/17/97 (emergency); Amended at 15 Ok Reg 1401, eff 7/1/98]

365:25-5-36. Monthly reports

(a) Bail bondsmen are required to submit monthly reports to the Insurance Commissioner within fifteen (15) days after the end of each preceding month pursuant to 59 O.S. §1314. All bondsmen must submit a report for each component of the license held, even if no bonds were written under any particular component during that month. The types of licenses include:

- (1) cash,
- (2) surety,
- (3) property, and
- (4) professional

(b) Bondsmen must submit a monthly report for:

- (1) each surety company with which he/she is appointed, whether or not any bonds were written on that company during that month;
- (2) each company with which he/she has an outstanding liability, even though the appointment has been canceled; and
- (3) each company with which he/she has an outstanding liability even though the company is no longer active in the bail bond business.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-37. Usual and customary records

Bail bondsman shall maintain records at his/her place of business for a period of three (3) years immediately following the date of the transaction. Records shall be readily available for inspection to the Commissioner at any time during business hours and shall include, but not be limited to:

- (1) bail bond application,
- (2) indemnity agreement,
- (3) promissory note,
- (4) credit agreement,
- (5) copies of deeds or mortgages received or released,

- (6) description of personal properties received or released,
- (7) accounting of monies received and receipted,
- (8) copy of appearance bond,
- (9) copy of individually numbered power of attorney,
- (10) picture of defendant, and
- (11) bank records on escrow accounts.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-38. Ten defendant limit

Pursuant to 59 O.S. §1320, a bondsman is authorized to write bonds on up to ten defendants per year, October 1 through September 30, in each county outside his resident county. For purposes of determining the ten defendants, the bondsman shall consider each date a bond or bonds are written on a defendant as being one of the ten defendants, notwithstanding any previous bonds which have been written on that same individual. The ten defendant limit does not apply in counties without a registered bondsman in said county.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-39. Affidavit as to undertaking

An Affidavit As To Undertaking must be included on every appearance bond and should declare the amount of premium (consideration) and security (collateral) received or promised. It should further include the nature and description of, and the name of the person from whom it was received or promised. Information provided on the Affidavit As To Undertaking should correspond with the information contained in the following:

- (1) appearance bond,
- (2) bondsman's office records, and
- (3) monthly report.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93]

365:25-5-40. Computation of time in 59 O.S. §1332

(a) In computing any period of time in 59 O.S. §1332, 12 O.S. §2006(A) will be followed. 12 O.S. §2006(A) states, in pertinent part, as follows: *The day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a legal holiday as defined by Section 82.1 of Title 25 of the Oklahoma Statutes or any other day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time, in which event the period runs until the end of the next day which is not a legal holiday or a day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time. Unless otherwise provided by law, when the period of time prescribed or allowed is less than eleven (11) days, intermediate legal holidays and any other day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time shall be excluded from the computation.*

(b) The defendant shall be returned to custody within ninety days or the forfeiture shall be paid on the ninety-first day, and the time begins to run as follows:

- (1) If the bondsman dates the return receipt, then the days start running the next day.
- (2) If the bondsman doesn't date the return receipt but the insurer or professional does, then the days start running the next day.

(3) If neither the bondsman nor the insurer or professional dates the return receipt, then the days start running the day after the order and judgment of forfeiture was mailed.

[Source: Added at 10 Ok Reg 1483, eff 5-1-93; Amended at 24 Ok Reg 2210, eff 7-14-07]

365:25-5-41. Special deposit

(a) In addition to the cash or securities deposited in trust with the State Treasurer through the Insurance Commissioner's office pursuant to 36 O.S. § 613, insurers writing bail bonds in this state shall deposit in trust additional cash or securities equaling at least a twenty-to-one (20:1) ratio of outstanding liability-to-deposit.

(b) An insurer shall comply with the following requirements to maintain the special deposit described in Subsection (a):

(1) The insurer's monthly report of outstanding liability shall be within ten percent (10%) of the outstanding liability reported by all the insurer's appointed surety bondsmen for that month.

(2) All bail bond forfeitures shall either be paid within 91 days after receipt of the Order and Judgment of Forfeiture or vacated by the court within 91 days from the date of receipt of the Order and Judgment of Forfeiture.

(c) If the insurer fails to comply with either requirement of paragraph (b) more than three (3) times in a consecutive twelve (12) month period, the insurer's special deposit shall equal at least a ten-to-one (10:1) ratio of outstanding liability-to-deposit. The Insurance Commissioner shall provide written notification of this requirement via certified mail, return receipt requested, to the insurer's address of record. The special deposit required by this paragraph shall become effective thirty (30) days from the date notification is received.

(d) If an insurer is authorized to write only bail bonds, the cash or securities deposited in trust with the State Treasurer through the Insurance Commissioner's office pursuant to 36 O.S. § 613 shall apply towards the special deposit required by this section.

[Source: Added at 19 Ok Reg 1325, eff 7-14-02; Amended at 23 Ok Reg 2735, eff 7-14-2006]

365:25-5-42. Professional bondsman net worth

For purposes of 59 O.S. § 1306(A)(2), total assets of the bondsman shall include only those assets owned by the applicant for licensure as a bondsman. Any asset or liability owned jointly with another, including a spouse, shall be shown on financial reports as required pursuant to 59 O.S. § 1309(B) and Section 365:25-5-35 by percentage of ownership of the bondsman individually.

[Source: Added at 19 Ok Reg 1325, eff 7-14-02]