



# HOUSE BILL 446: Amend Statutes Governing Bail Bondsmen

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary II	<b>Date:</b>	April 22, 2015
<b>Introduced by:</b>	Reps. Jordan, Wray, R. Turner, Schaffer	<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	PCS to First Edition H446-CSRN-17		Committee Counsel

**SUMMARY:** *House Bill 446 amends the law governing the licensure of bail bondsmen to increase the minimum age to be eligible for a license, to extend the time limit for the return of collateral security to include the time period in which an appeal from district court may be filed, and to require the Commissioner of Insurance to return the amount of a bondsman's security deposit above outstanding bond liability in the event the bondsman ceases writing bonds. The Proposed Committee Substitute (PCS) grandfathers current licensees who are under the age of 21 so that they are not subject to the new minimum age requirement, deletes former Sections 4 and 5 which appeared in the First Edition of the bill, and allows bondsmen to have access to certain civil information systems of the Administrative Office of the Courts (AOC).*

### BILL ANALYSIS:

**Section 1** increases the minimum age to qualify for licensure as a bail bondsman or a runner from 18 to 21 years of age. Under the PCS, current licensees who are under the age of 21 are grandfathered in, so that they are not subject to the new minimum age requirement.

**Section 2** amends the law related to prohibited practices by a bail bondsman or a runner. Currently, a bondsman can accept collateral security or other indemnity from a principal, but the collateral must be reasonable in relation to the amount of the bond and must be returned within 72 hours after final termination of liability on the bond. This section would lengthen the time limit for return of collateral to 15 days.

**Section 3** adds a new provision directing the Commissioner of Insurance to return the portion of the security deposit in excess of that required to secure outstanding bond liability, if the bondsman ceases to write bonds due to death, permanent incapacitation, or other circumstance that results in the return of the license.

**Section 4** amends the law to allow bondsmen to have access to AOC's civil information system.

**EFFECTIVE DATE:** Section 1 is effective when the bill becomes law and applies to applications for licenses filed on or after that date. The remainder of the act is effective when it becomes law.

*Karen Cochran-Brown, Counsel to the House Regulatory Reform Committee, contributed substantially to this summary.*

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