SHORT TITLE: Professions and occupations; making license of professional bondsman transferable upon death to spouse under certain conditions and for certain time period; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 155 By: Littlefield

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 1306, which relates to licensure of professional bondsmen; making license of professional bondsman transferable upon death to spouse under certain conditions and for certain time period; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1306, is amended to read as follows:

Section 1306. A. 1. An applicant for a cash bondsman license shall meet all requirements set forth in Section 1305 of this title with exception of residence.

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 financial statements prepared by an accounting firm or individual holding a permit to practice public accounting in this state in accordance with generally accepted principles of accounting procedures setting forth the total assets of the bondsman less liabilities and debts and which shall show a net worth of at least Fifty Thousand Dollars ($50,000.00), said statements to be current as of a date not earlier than ninety (90) days prior to submission of the application and the

statement shall be attested to by an unqualified opinion of the accountant.

~~1.~~ 3. Professional bondsman applicants shall make a deposit with the Insurance Commissioner in the same manner as required of domestic insurance companies of an amount to be determined by the Commissioner, which shall not be less than Twenty Thousand Dollars ($20,000.00). Such deposits shall be subject to all laws, rules and regulations as deposits by domestic insurance companies but in no instance shall a professional bondsman write bonds which equal more than ten times the amount of the deposit which such bondsman has submitted to the Commissioner. If a bondsman exceeds the above limitation, ~~he~~ the bondsman shall be notified by the Commissioner by mail with return receipt requested that ~~such~~ the excess shall be reduced or ~~such~~ the deposit increased within ten (10) days of notification, or the license of ~~such~~ the bondsman shall be suspended immediately after ~~said~~ the ten-day period, pending a hearing on the matter.

~~2. Said~~ 4. The deposit herein provided for shall constitute a reserve available to meet sums due on forfeiture of any bonds or recognizance executed by such bondsman.

~~3.~~ 5. Any deposit made by a professional bondsman pursuant to this section shall be released and returned by the Commissioner to the professional bondsman only upon extinguishment of all liability on outstanding bonds.

~~4.~~ 6. No release of deposits to a professional bondsman shall be made by the Commissioner except upon written application and the written order of the Commissioner. The Commissioner shall have no liability for any such release to a professional bondsman provided the release was made in good faith.

B. The deposit provided in this section shall be held in safekeeping by the Insurance Commissioner and shall only be used if a bondsman fails to pay an order and judgment of forfeiture after

being properly notified or shall be used if the license of a professional bondsman has been revoked. The deposit shall be held in the name of the Insurance Commissioner and the bondsman. The bondsman shall execute an assignment of the deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

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

D. Notwithstanding any other provision of Section 1301 et seq. of this title, the license of a professional bondsman is transferable to the bondsman's spouse, upon the death of the bondsman, and the spouse may elect to act as a professional bondsman until the expiration of the license or for a period of ninety (90) days, whichever is greater, if the following conditions are met:

1. The spouse must hold a valid license as a surety bondsman in this state; and

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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