

ENROLLED SENATE
BILL NO. 1381

By: Smith of the Senate

and

Braddock of the House

An Act relating to professions and occupations;
amending 59 O.S. 2001, Section 1317, which relates to
bondsmen; modifying statement required for certain
affidavit; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1317, is
amended to read as follows:

Section 1317. A. Every surety who appoints a surety bondsman or managing general agent in the state, shall give notice thereof to the Commissioner. The filing fee for appointment of each surety bondsman or managing general agent shall be Ten Dollars (\$10.00), payable to the Commissioner and shall be submitted with the appointment. The appointment shall remain in effect until the surety submits a notice of cancellation to the Commissioner. If the surety changes the liability limitations of the surety bondsman or the managing general agent, or any other provisions of the appointment, the surety shall submit an amended appointment form and a filing fee of Ten Dollars (\$10.00) payable to the Commissioner.

B. A surety terminating the appointment of a surety bondsman or managing general agent immediately shall file written notice thereof with the Commissioner, together with a statement that it has given or mailed notice to the surety bondsman or managing general agent. The notice filed with the Commissioner shall state the reasons, if any, for the termination.

C. Prior to issuance of a new surety appointment for a surety bondsman or managing general agent, the bondsman or agent shall file an affidavit with the Commissioner stating that no forfeitures are owed to any court, no fines are owed to the insurance department, and no premiums or indemnification for forfeitures or fines are owed to any insurer. This provision shall not require that all outstanding liabilities have been exonerated, but may provide that the liabilities are still being monitored by the bondsman or agent.

D. Every bail bondsman who negotiates and posts a bond shall, in any controversy between the defendant, indemnitor, or guarantor and the bail bondsman or surety, be regarded as representing the

surety. This provision shall not affect the apparent authority of a bail bondsman as an agent for the insurer.

SECTION 2. This act shall become effective November 1, 2004.

Passed the Senate the 3rd day of March, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2004.

Presiding Officer of the House
of Representatives