

CS for SB 1381

1 THE STATE SENATE
2 Wednesday, February 18, 2004

3 Committee Substitute for
4 Senate Bill No. 1381

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1381 - By: SMITH of the
6 Senate and BRADDOCK of the House.

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

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

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

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

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

7 C. Prior to issuance of a new surety appointment for a surety
8 bondsman or managing general agent, the bondsman or agent shall file
9 an affidavit with the Commissioner stating that no premiums,
10 forfeitures or unpaid fines are owed to any insurer. This provision
11 shall not require that all outstanding liabilities have been
12 exonerated, but may provide that the liabilities are still being
13 monitored by the bondsman or agent.

14 D. Every bail bondsman who negotiates and posts a bond shall,
15 in any controversy between the defendant, indemnitor, or guarantor
16 and the bail bondsman or surety, be regarded as representing the
17 surety. This provision shall not affect the apparent authority of a
18 bail bondsman as an agent for the insurer.

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

20 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-16-04 -
21 DO PASS, As Amended and Coauthored.