

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 771

By: Crain

AS INTRODUCED

An Act relating to professions and occupation; amending 59 O.S. 2001, Section 1320, which relates to bail bondsmen; making language gender neutral; deleting requirement for court clerk to provide certain list; requiring Insurance Commissioner to provide certain list of information relating to bail bondsmen on official web page; providing for maintenance and updates; providing exception to requirement of certain proof of good standing; allowing certain officials to use list to determine certain qualifications; requiring certain proof of licensure and identification upon request of certain officials; providing for approval of certain bonds when web page is unavailable; making writing criminal bail bonds a felony under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1320, is amended to read as follows:

Section 1320. A. No bail bondsman shall become a surety on an undertaking unless he or she has first registered his or her license in the office of the sheriff and with the clerk of the district court in the county in which the bondsman resides or offices, but not both. In the county in which a bondsman registers his or her license, he or she shall provide the court clerk with proof that he or she is a resident of said county or that he or she offices in said county. ~~The court clerk of the county shall provide a list of bondsmen permitted to write surety in that county to the judges and law enforcement offices of that county.~~ In any county not having a licensed bondsman authorized to do business within said county, the court having jurisdiction shall allow and fix bail.

A surety bondsman shall also file a certified copy of his or her appointment by power of attorney from the insurer which he or she represents as agent with each of said officers. A fee of Ten Dollars (\$10.00) shall be paid to the district court clerk for each county in which the bail bondsman registers his or her license. The fee shall be payable annually by the date of license renewal. The clerk of the district court and the sheriff shall not permit the registration of a bail bondsman unless such bondsman is currently licensed by the Insurance Commissioner under the provisions of Section 1301 et seq. of this title.

B. Notwithstanding the foregoing provisions of this section, a bondsman may write bonds on no more than ten defendants per year in each of the remaining seventy-six counties of this state in which the bondsman cannot register his or her license. Provided, however, a bondsman shall not be limited to writing bonds on only ten defendants per year in a county which does not have a licensed bondsman registered in said county. The bondsman shall advise the court clerk of each such county in writing of his or her intention to write bonds in the county and shall file a certified copy of his or her license with and pay a fee of Ten Dollars (\$10.00) to each such court clerk.

C. The Insurance Commissioner shall list the names and types of authorized licenses of all bail bondsmen licensed to do business in this state pursuant to Section 1301 et seq. of this title upon the official public access Internet web page of the Commissioner. The Insurance Commissioner shall maintain and update such list at least weekly and shall indicate the effective date of any listing. No proof of good standing in any county shall be required of a bondsman whose name appears on the public listing of the Commissioner, and any public official of this state may rely upon this list in determining qualifications of a licensed bondsman. A licensed bondsman shall produce proof of licensure and other identification

upon request of any law enforcement officer, jailer, court clerk or deputy. In the event that the web page of the Insurance Commissioner is unavailable for a period of four or more hours, an officer or deputy court clerk may approve a bond upon satisfactory proof of current licensure by the bondsman. It shall be a felony offense for a bondsman to write any criminal bail bond with knowledge that his or her bail bond license has been revoked or suspended by the Insurance Commissioner.

SECTION 2. This act shall become effective November 1, 2005.

50-1-967

LKS

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