

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1243

By: McDaniel (Randy)

7                                   COMMITTEE SUBSTITUTE

8                   An Act relating to licenses issued by the Insurance  
9                   Department; amending 36 O.S. 2001, Sections 1435.6,  
10                  as last amended by Section 24, Chapter 176, O.S.L.  
11                  2009, 1435.7, as last amended by Section 25, Chapter  
12                  176, O.S.L. 2009, 1435.8, as last amended by Section  
13                  26, Chapter 176, O.S.L. 2009, 1435.23, as last  
14                  amended by Section 12, Chapter 432, O.S.L. 2009 and  
15                  1435.29, as last amended by Section 13, Chapter 432,  
16                  O.S.L. 2009 (36 O.S. Supp. 2010, Sections 1435.6,  
17                  1435.7, 1435.8, 1435.23 and 1435.29), which relate to  
18                  the Oklahoma Producer Licensing Act; modifying  
19                  reexamination requirements; modifying insurance  
20                  producer license application requirements; modifying  
21                  certain license reinstatement requirements; removing  
22                  certain provisional license fee; modifying  
23                  educational requirements; amending 36 O.S. 2001,  
24                  Sections 6208, as last amended by Section 44, Chapter  
                  176, O.S.L. 2009, 6209, as amended by Section 45,  
                  Chapter 176, O.S.L. 2009, 6210, as last amended by  
                  Section 46, Chapter 176, O.S.L. 2009 and 6217, as  
                  last amended by Section 2, Chapter 355, O.S.L. 2010  
                  (36 O.S. Supp. 2010, Sections 6208, 6209, 6210 and  
                  6217), which relate to the Insurance Adjusters  
                  Licensing Act; modifying certain exemption from  
                  adjuster examination requirements; modifying classes  
                  of business covered by insurance adjuster licenses;  
                  modifying reexamination requirements; modifying  
                  certain continuing education requirements; amending  
                  59 O.S. 2001, Sections 1304, 1305, as last amended by  
                  Section 55, Chapter 222, O.S.L. 2010, 1308, 1308.1,  
                  1309 and 1314, as last amended by Section 58, Chapter  
                  222, O.S.L. 2010 (59 O.S. Supp. 2010, Sections 1305

1 and 1314), which relate to bail bondsmen; modifying  
2 duration of licenses; changing expiration date;  
3 requiring applications to be submitted  
4 electronically; requiring approval of certain forms  
5 by the Insurance Commissioner; authorizing  
6 Commissioner to require certain fingerprint  
7 submissions; requiring payment of certain fee;  
8 specifying Commissioner shall require certain record  
9 checks; specifying criminal history record check  
10 requirements; authorizing Commissioner to contract  
11 for the collection and transmission of fingerprints;  
12 authorizing Commissioner to receive certain criminal  
13 record information; requiring Commissioner to treat  
14 certain information as confidential; specifying  
15 certain information shall not be subject to certain  
16 subpoena; authorizing Commissioner to promulgate  
17 certain rules; modifying application procedure and  
18 eligibility requirements; eliminating requirement  
19 that examination results be mailed; modifying  
20 reexamination waiting period; modifying continuing  
21 education requirements for bail bondsmen; modifying  
22 fee payment requirements; modifying time period for  
23 license reinstatement; requiring certain reports to  
24 be submitted electronically; eliminating reporting by  
mail; repealing Section 11, Chapter 125, O.S.L. 2007  
(36 O.S. Supp. 2010, Section 1435.7A), which relates  
to resident provisional insurance producer licenses;  
providing an effective date; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 1435.6, as  
last amended by Section 24, Chapter 176, O.S.L. 2009 (36 O.S. Supp.  
2010, Section 1435.6), is amended to read as follows:

Section 1435.6 A. A resident individual applying for an  
insurance producer license shall pass a written examination unless

1 exempt pursuant to Section 1435.10 of this title. The examination  
2 shall test the knowledge of the individual concerning the lines of  
3 authority for which application is made, the duties and  
4 responsibilities of an insurance producer and the insurance laws and  
5 regulations of this state. Examinations required by this section  
6 shall be developed and conducted under rules and regulations  
7 prescribed by the Insurance Commissioner.

8 B. The Commissioner may make arrangements, including  
9 contracting with an outside testing service, for administering  
10 examinations and collecting the nonrefundable fee set forth in  
11 Section 1435.23 of this title.

12 C. Each individual applying for an examination shall remit a  
13 nonrefundable fee as prescribed by the Insurance Commissioner as set  
14 forth in Section 1435.23 of this title.

15 D. After completion and filing of the application with the  
16 Insurance Commissioner, except as provided in Section 1435.10 of  
17 this title, the Commissioner shall subject each applicant for  
18 license as an insurance agent, insurance consultant, limited  
19 insurance representative, or customer service representative to an  
20 examination approved by the Commissioner as to competence to act as  
21 a licensee, which each applicant shall personally take and pass to  
22 the satisfaction of the Commissioner. The Commissioner may accept  
23 examinations administered by a testing service as satisfying the

24

1 examination requirements of persons seeking license as agents,  
2 solicitors, counselors, or adjusters under the Oklahoma Insurance  
3 Code. The Commissioner may negotiate agreements with such testing  
4 services to include performance of examination development, test  
5 scheduling, examination site arrangements, test administration,  
6 grading, reporting, and analysis. The Commissioner may require such  
7 testing services to correspond directly with the applicants with  
8 regard to the administration of such examinations and that such  
9 testing services collect fees for administering such examinations  
10 directly from the applicants. The Commissioner may stipulate that  
11 any agreements with such testing services provide for the  
12 administration of examinations in specific locales and at specified  
13 frequencies. The Commissioner shall retain the authority to  
14 establish the scope and type of all examinations.

15 E. If the applicant is a legal entity, the examination shall be  
16 taken by each individual who is to act for the entity as a licensee.

17 F. Each examination for a license shall be approved for use by  
18 the Commissioner and shall reasonably test the knowledge of the  
19 applicant as to the lines of insurance, policies, and transactions  
20 to be handled pursuant to the license applied for, the duties and  
21 responsibilities of the licensee, and the pertinent insurance laws  
22 of this state.

23

24

1 G. Examination for licensing shall be at such reasonable times  
2 and places as are designated by the Commissioner.

3 H. The Commissioner or testing service shall give, conduct, and  
4 grade all examinations in a fair and impartial manner and without  
5 discrimination among individuals examined.

6 I. The applicant shall pass the examination with a grade  
7 determined by the Commissioner to indicate satisfactory knowledge  
8 and understanding of the line or lines of insurance for which the  
9 applicant seeks qualification. Within ten (10) days after the  
10 examination, the Commissioner shall inform the applicant and the  
11 appointing insurer, when applicable, as to whether or not the  
12 applicant has passed. Formal evidence of licensing shall be issued  
13 by the Commissioner to the licensee within a reasonable time.

14 J. An applicant who has failed to pass the first examination  
15 for the license applied for may take a second examination within  
16 thirty (30) days following the first examination. Examination fees  
17 for subsequent examinations shall not be waived.

18 K. An applicant who has failed to pass the first two  
19 examinations for the license applied for shall not be permitted to  
20 take a subsequent examination until the expiration of thirty (30)  
21 days after the last previous examination. ~~An applicant shall take  
22 and pass the examination within one hundred eighty (180) days of the  
23 date of the initial application. If applicant fails to pass the~~

1 ~~examination within the specified time period, the applicant shall~~  
2 ~~submit a new application accompanied by any applicable fees.~~

3 Examination fees for subsequent examinations shall not be waived.

4 L. An applicant for a license as a resident surplus lines  
5 broker shall have passed the property and casualty insurance  
6 examination on the line or lines of insurance to be written to  
7 qualify for a surplus lines broker license.

8 SECTION 2. AMENDATORY 36 O.S. 2001, Section 1435.7, as  
9 last amended by Section 25, Chapter 176, O.S.L. 2009 (36 O.S. Supp.  
10 2010, Section 1435.7), is amended to read as follows:

11 Section 1435.7 A. A person applying for a resident insurance  
12 producer license shall make application to the Insurance  
13 Commissioner on the Uniform Application or an application approved  
14 by the Commissioner and declare under penalty of refusal, suspension  
15 or revocation of the license that the statements made in the  
16 application are true, correct and complete to the best of the  
17 individual's knowledge and belief. Before approving the  
18 application, the Insurance Commissioner shall find that the  
19 individual:

- 20 1. Is at least eighteen (18) years of age;  
21 2. Has not committed any act that is a ground for denial,  
22 suspension or revocation set forth in Section 1435.13 of this title;

23

24

1       3. ~~Has held a provisional insurance producer license or has~~  
2 ~~been a participant in an approved training program offered by an~~  
3 ~~insurance company licensed in this state except for title, aircraft~~  
4 ~~title, or any other producer applicant exempt by rule;~~

5       4. Has paid the fees set forth in Section 1435.23 of this  
6 title; and

7       ~~5.~~ 4. Has successfully passed the examinations for the lines of  
8 authority for which the person has applied.

9       B. A business entity acting as an insurance producer is  
10 required to obtain an insurance producer license. Application shall  
11 be made using the Uniform Business Entity Application or an  
12 application approved by the Commissioner. Before approving the  
13 application, the Insurance Commissioner shall find that:

14       1. The business entity has paid the fees set forth in Section  
15 1435.23 of this title;

16       2. The business entity has designated a licensed producer  
17 responsible for the business entity's compliance with the insurance  
18 laws, rules and regulations of this state;

19       3. A domestic business entity is organized pursuant to the  
20 provisions of the laws of this state and maintains its principal  
21 place of business in this state; and

22       4. No person whose license as an insurance producer has been  
23 revoked by order of the Commissioner, nor any business entity in  
24

1 which such person has a majority ownership interest, whether direct  
2 or indirect, owns any interest in the business entity licensed as an  
3 insurance producer.

4 C. An applicant for any license required by the provisions of  
5 the Oklahoma Producer Licensing Act shall demonstrate to the  
6 Insurance Commissioner that the applicant is competent, trustworthy,  
7 financially responsible, and of good personal and business  
8 reputation.

9 D. The Insurance Commissioner may require any documents  
10 reasonably necessary to verify the information contained in an  
11 application.

12 SECTION 3. AMENDATORY 36 O.S. 2001, Section 1435.8, as  
13 last amended by Section 26, Chapter 176, O.S.L. 2009 (36 O.S. Supp.  
14 2010, Section 1435.8), is amended to read as follows:

15 Section 1435.8 A. Unless denied licensure pursuant to Section  
16 1435.13 of this title, persons who have met the requirements of  
17 Sections 1435.6 and 1435.7 of this title shall be issued an  
18 insurance producer license. An insurance producer may receive  
19 qualification for a license in one or more of the following lines of  
20 authority:

21 1. Life - insurance coverage on human lives including benefits  
22 of endowment and annuities, and may include benefits in the event of  
23

1 death or dismemberment by accident and benefits for disability  
2 income;

3 2. Accident and health or sickness - insurance coverage for  
4 sickness, bodily injury or accidental death and may include benefits  
5 for disability income;

6 3. Property - insurance coverage for the direct or  
7 consequential loss or damage to property of every kind;

8 4. Casualty - insurance coverage against legal liability,  
9 including that for death, injury or disability or damage to real or  
10 personal property;

11 5. Variable life and variable annuity products - insurance  
12 coverage provided under variable life insurance contracts and  
13 variable annuities;

14 6. Personal lines - property and casualty insurance coverage  
15 sold to individuals and families for primarily noncommercial  
16 purposes;

17 7. Commercial lines - property and casualty insurance coverage  
18 sold to businesses for primarily commercial purposes;

19 8. Credit - limited line credit insurance;

20 9. Title insurance - insurance coverage that insures or  
21 guarantees the title to real or personal property or any interest  
22 therein or encumbrance thereon;

23

24

1        10. Aircraft title insurance - insurance coverage that protects  
2 an aircraft owner or lender against loss of the aircraft or priority  
3 security position in the event of a successful adverse claim on the  
4 title to an aircraft; and

5        11. Any other line of insurance permitted under state laws or  
6 regulations.

7        B. An insurance producer license shall remain in effect unless  
8 revoked or suspended as long as the fee set forth in Section 1435.23  
9 of this title is paid and education requirements for resident  
10 individual producers are met by the due date.

11        C. An individual insurance producer who allows the license to  
12 lapse may, within ~~twenty four (24)~~ twelve (12) months from the due  
13 date of the renewal fee, reinstate the same license without the  
14 necessity of passing a written examination unless the license was  
15 revoked, suspended, or continuation thereof was refused by the  
16 Commissioner. However, a penalty in the amount of double the unpaid  
17 renewal fee shall be required for any renewal fee received after the  
18 due date. Continuing education requirements must be kept current.

19        D. A licensed insurance producer who is unable to comply with  
20 license renewal procedures due to military service or some other  
21 extenuating circumstance, such as a long-term medical disability,  
22 may request a waiver of those procedures. The producer may also  
23  
24

1 request a waiver of any examination requirement or any other fine or  
2 sanction imposed for failure to comply with renewal procedures.

3 E. The license shall contain the licensee's name, address,  
4 personal identification number, and the date of issuance, the lines  
5 of authority, the expiration date and any other information the  
6 Insurance Commissioner deems necessary.

7 F. Licensees shall inform the Insurance Commissioner by any  
8 means acceptable to the Insurance Commissioner of a change of legal  
9 name or address within thirty (30) days of the change. A change in  
10 legal name or address submitted more than thirty (30) days after the  
11 change must include an administrative fee of Fifty Dollars (\$50.00).  
12 Failure to provide acceptable notification of a change of legal name  
13 or address to the Insurance Commissioner within forty-five (45) days  
14 of the date the administrative fee is assessed will result in  
15 penalties pursuant to Section 1435.13 of this title.

16 G. In order to assist in the performance of the Insurance  
17 Commissioner's duties, the Insurance Commissioner may contract with  
18 nongovernmental entities, including the National Association of  
19 Insurance Commissioners (NAIC) or any affiliates or subsidiaries  
20 that the NAIC oversees, to perform any ministerial functions,  
21 including the collection of fees, related to producer licensing that  
22 the Insurance Commissioner and the nongovernmental entity may deem  
23 appropriate.

1 H. The Commissioner may participate, in whole or in part, with  
2 the National Association of Insurance Commissioners, or any  
3 affiliates or subsidiaries the National Association of Insurance  
4 Commissioners oversees, in a centralized producer license registry  
5 where insurance producer licenses and appointments may be centrally  
6 or simultaneously effected for all states that require an insurance  
7 producer license and participate in such centralized producer  
8 license registry. If the Commissioner finds that participation in  
9 such a centralized producer license registry is in the public  
10 interest, the Commissioner may adopt by rule any uniform standards  
11 or procedures as are necessary to participate in the registry. This  
12 includes the central collection of all fees for licenses or  
13 appointments that are processed through the registry.

14 SECTION 4. AMENDATORY 36 O.S. 2001, Section 1435.23, as  
15 last amended by Section 12, Chapter 432, O.S.L. 2009 (36 O.S. Supp.  
16 2010, Section 1435.23), is amended to read as follows:

17 Section 1435.23 A. All applications shall be accompanied by  
18 the applicable fees. An appointment may be deemed by the  
19 Commissioner to have terminated upon failure by the insurer to pay  
20 the prescribed renewal fee. The Commissioner may also by order  
21 impose a civil penalty equal to double the amount of the unpaid  
22 renewal fee.

23  
24

1 The Insurance Commissioner shall collect in advance the  
2 following fees and licenses:

- 3 1. For filing appointment of Insurance  
4 Commissioner as agent for service of process..... \$ 20.00
- 5 2. Miscellaneous:
  - 6 a. Certificate and Clearance of  
7 Commissioner..... \$ 3.00
  - 8 b. Insurance producer's study manual:  
9 Life, Accident & Health..... not to exceed  
10 \$ 40.00  
11 Property and Casualty..... not to exceed  
12 \$ 40.00
  - 13 c. For filing organizational documents of  
14 an entity applying for a license as an  
15 insurance producer..... \$ 20.00
- 16 3. Examination for license:  
17 For each examination covering laws  
18 and one or more lines of insurance.... not to exceed  
19 \$100.00
- 20 4. Licenses:
  - 21 a. Insurance producer's biennial license,  
22 regardless of number of companies  
23 represented..... \$ 60.00

- 1           b.    Insurance producer's biennial license  
2                for sale or solicitation of separate  
3                accounts or agreements, as provided for  
4                in Section 6061 of this title..... \$ 60.00
- 5           c.    Limited lines producer biennial license..... \$ 40.00
- 6           d.    Temporary license as agent..... \$ 20.00
- 7           e.    Managing general agent's biennial  
8                license..... \$ 60.00
- 9           f.    Surplus lines broker's biennial license..... \$100.00
- 10          g.    Insurance vending machine, each machine,  
11                biennial fee..... \$100.00
- 12          h.    Insurance consultant's biennial license,  
13                resident or nonresident..... \$100.00
- 14          i.    Customer service representative biennial  
15                license..... \$ 40.00
- 16          j.    ~~Insurance producer's provisional license.... \$ 20.00~~
- 17          5.    Biennial fee for each appointed insurance  
18                producer, managing general agent, or limited  
19                lines producer by insurer, each license of  
20                each insurance producer or representative                \$55.00
- 21          6.    Renewal fee for all licenses shall be the same as the  
22                current initial license fee.

23  
24

1 7. The fee for a duplicate license shall be one-half (1/2) the  
2 fee of an original license.

3 8. The renewal of a license shall require a fee of double the  
4 current original license fee if the application for renewal is late,  
5 or incomplete on the renewal deadline.

6 9. The administrative fee for submission of a change of legal  
7 name or address more than thirty (30) days after the change occurred  
8 shall be Fifty Dollars (\$50.00).

9 B. If for any reason an insurance producer license or  
10 appointment is not issued or renewed by the Commissioner, all fees  
11 accompanying the appointment or application for the license shall be  
12 deemed earned and shall not be refundable except as provided in  
13 Section 352 of this title.

14 C. The Insurance Commissioner, by order, may waive licensing  
15 fees in extraordinary circumstances for a class of producers where  
16 the Commissioner deems that the public interest will be best served.

17 SECTION 5. AMENDATORY 36 O.S. 2001, Section 1435.29, as  
18 last amended by Section 13, Chapter 432, O.S.L. 2009 (36 O.S. Supp.  
19 2010, Section 1435.29), is amended to read as follows:

20 Section 1435.29 A. 1. Each insurance producer, with the  
21 exception of title producers and aircraft title producers or any  
22 other producer exempt by rule, shall, biennially, complete not less  
23 than twenty-one (21) clock hours of continuing insurance education

1 ~~which shall cover subjects in the lines for which the insurance~~  
2 ~~producer is licensed.~~ Such education may include a written or oral  
3 examination.

4 2. Each customer service representative shall, biennially,  
5 complete not less than ten (10) clock hours of continuing insurance  
6 education ~~which shall cover subjects in the lines for which the~~  
7 ~~licensee is authorized to conduct insurance-related business on~~  
8 ~~behalf of the appointing agent, broker, or agency.~~

9 3. Licensees, with the exception of title producers and  
10 aircraft title producers or any other producer exempt by rule, shall  
11 complete, in addition to the foregoing, three (3) clock hours of  
12 ethics course work in this same period.

13 4. Each title producer and aircraft title producer shall,  
14 biennially, complete not less than sixteen (16) clock hours of  
15 continuing insurance education, two (2) hours of which shall be  
16 ethics course work, which shall cover the line for which the  
17 producer is licensed. Such education may include a written or oral  
18 examination.

19 B. 1. The Insurance Commissioner shall approve courses and  
20 providers of ~~resident provisional producer prelicensing education~~  
21 ~~and~~ continuing education. The Insurance Department may use one or  
22 more of the following to review and provide a nonbinding  
23 recommendation to the Insurance Commissioner on approval or  
24

1 disapproval of courses and providers of ~~resident provisional~~  
2 ~~producer prelicensing education and~~ continuing education:

- 3 a. employees of the Insurance Commissioner,
- 4 b. a continuing education advisory committee, or
- 5 c. an independent service whose normal business  
6 activities include the review and approval of  
7 continuing education courses and providers. The  
8 Commissioner may negotiate agreements with such  
9 independent service to review documents and other  
10 materials submitted for approval of courses and  
11 providers and provide the Commissioner with its  
12 nonbinding recommendation. The Commissioner may  
13 require such independent service to collect the fee  
14 charged by the independent service for reviewing  
15 materials provided for review directly from the course  
16 providers.

17 The Insurance Commissioner has sole authority to approve courses  
18 and providers of ~~resident provisional producer prelicensing~~  
19 ~~education and~~ continuing education. If the Insurance Commissioner  
20 uses one of the entities listed above to provide a nonbinding  
21 recommendation, the Commissioner shall adopt or decline to adopt the  
22 recommendation within thirty (30) days of receipt of the  
23 recommendation. In the event the Insurance Commissioner takes no

1 action within said thirty-day period, the recommendation made to the  
2 Commissioner will be deemed to have been adopted by the  
3 Commissioner.

4 The Insurance Commissioner may certify providers and courses  
5 offered for license examination study. The Insurance Department  
6 shall use employees of the Insurance Commissioner to review and  
7 certify license examination study program providers and courses.

8 2. Each insurance company shall be allowed to provide  
9 continuing education to insurance producers and customer service  
10 representatives as required by this section; provided that such  
11 continuing education meets the general standards for education  
12 otherwise established by the Insurance Commissioner.

13 3. An insurance producer who, during the time period prior to  
14 renewal, participates in an approved professional designation  
15 program shall be deemed to have met the biennial requirement for  
16 continuing education.

17 Each course in the curriculum for the program shall total a  
18 minimum of twenty-four (24) hours. Each approved professional  
19 designation program included in this section shall be reviewed for  
20 quality and compliance every three (3) years in accordance with  
21 standardized criteria promulgated by rule. Continuation of approved  
22 status is contingent upon the findings of the review. The list of  
23  
24

1 professional designation programs approved under this paragraph  
2 shall be made available to producers and providers annually.

3 4. The Insurance Department may promulgate rules providing that  
4 courses or programs offered by professional associations shall  
5 qualify for presumptive continuing education credit approval. The  
6 rules shall include standardized criteria for reviewing the  
7 professional associations' mission, membership, and other relevant  
8 information, and shall provide a procedure for the Department to  
9 disallow all or part of a presumptively approved course.

10 Professional association courses approved in accordance with this  
11 paragraph shall be reviewed every three (3) years to determine  
12 whether they continue to qualify for continuing education credit.

13 5. Subject to approval by the Commissioner, the active  
14 membership of the licensed producer or broker in local, regional,  
15 state, or national professional insurance organizations or  
16 associations may be approved for up to one (1) annual hour of  
17 instruction. The hour shall be credited upon timely filing with the  
18 Commissioner, or designee of the Commissioner, and appropriate  
19 written evidence acceptable to the Commissioner of such active  
20 membership in the organization or association.

21 6. The active service of a licensed producer as a member of a  
22 continuing education advisory committee, as described in paragraph 1  
23  
24

1 of this subsection, shall be deemed to qualify for continuing  
2 education credit on an hour-for-hour basis.

3 C. Annual fees and course submission fees shall be set forth as  
4 a rule by the Commissioner. The fees are payable to the Insurance  
5 Commissioner. Provided, public-funded educational institutions,  
6 federal agencies, nonprofit organizations, not-for-profit  
7 organizations, and Oklahoma state agencies shall be exempt from this  
8 subsection.

9 D. Failure of an insurance producer or customer service  
10 representative to comply with the requirements of the Oklahoma  
11 Producer Licensing Act may, after notice and opportunity for  
12 hearing, result in censure, suspension, nonrenewal of license or a  
13 civil penalty of up to Five Hundred Dollars (\$500.00) or by both  
14 such penalty and civil penalty. Said civil penalty may be enforced  
15 in the same manner in which civil judgments may be enforced.

16 E. Limited lines producers and nonresident agents who have  
17 successfully completed an equivalent or greater requirement shall be  
18 exempt from the provisions of this section.

19 F. Members of the Legislature shall be exempt from this  
20 section.

21 G. The Commissioner shall adopt and promulgate such rules as  
22 are necessary for effective administration of this section.

23

24

1 SECTION 6. AMENDATORY 36 O.S. 2001, Section 6208, as  
2 last amended by Section 44, Chapter 176, O.S.L. 2009 (36 O.S. Supp.  
3 2010, Section 6208), is amended to read as follows:

4 Section 6208. A. Each applicant for a license as an adjuster  
5 shall, prior to issuance of said license, personally take and pass,  
6 to the satisfaction of the Commissioner, an examination approved by  
7 the Commissioner as a test of the qualifications and competency of  
8 the applicant.

9 B. The requirement of an examination shall not apply to the  
10 following:

11 1. An applicant who is licensed as an adjuster in this state  
12 during the ninety-day period preceding November 1, 1983; or

13 2. A nonresident applicant who has passed an examination in the  
14 home state of the applicant and who is currently licensed and in  
15 good standing in the applicant's home state; or

16 3. Any applicant for a license covering the same class or  
17 classes of insurance for which the applicant was licensed in this  
18 state pursuant to a similar license during the ~~twenty-four month~~  
19 twelve-month period immediately preceding the date of application,  
20 unless said previous license was revoked or suspended, or  
21 continuation of the license was refused by the Commissioner; or

22 4. An applicant for a resident license who has passed an  
23 examination in the former home state and who is licensed and in good  
24

1 standing in the former home state at the time the application is  
2 submitted. The applicant shall make application to become a  
3 resident adjuster within ninety (90) days after establishing legal  
4 residence in Oklahoma.

5 SECTION 7. AMENDATORY 36 O.S. 2001, Section 6209, as  
6 amended by Section 45, Chapter 176, O.S.L. 2009 (36 O.S. Supp. 2010,  
7 Section 6209), is amended to read as follows:

8 Section 6209. A. Each examination for a license as an adjuster  
9 shall be prescribed by the Commissioner and shall be of sufficient  
10 scope to reasonably test the knowledge of the applicant as to the  
11 kinds of insurance contracts which may be dealt with in accordance  
12 with the license applied for, the duties and responsibilities of  
13 insurers pursuant to said contracts and pursuant to the laws of this  
14 state applicable to the adjusting claims of losses in accordance  
15 with the license applied for.

16 B. An applicant for a license as an adjuster may qualify in any  
17 one of the following classes of insurance or combinations thereof,  
18 and the license when issued may be limited to cover adjusting in any  
19 one of the following classes of insurance or combinations thereof.  
20 The application for a license shall specify which of the following  
21 classes of business the application and license are to cover:

22 1. ~~motor vehicle physical damage, meaning~~ Property, including  
23 but not limited to marine, inland marine, aircraft and damages to

1 all land motor vehicles and trailers whether or not covered by first  
2 party physical damage coverages or property damage liability  
3 coverages; or

4 ~~2. fire and allied lines, including marine, inland marine, and~~  
5 ~~aircraft; or~~

6 ~~3. casualty~~ Casualty, meaning all lines of liability insurance  
7 coverages for bodily injuries, personal injury, and property  
8 damages; or

9 ~~4. workers'~~ 3. Workers' compensation; or

10 ~~5. crime~~ 4. Crime and fidelity bonds; or

11 ~~6. crop/hail~~ 5. Crop/hail; or

12 6. Multi-peril crop.

13 C. The Commissioner shall prepare and make available to  
14 applicants a manual of instructions stating in general terms the  
15 subjects which may be covered in any examination for a license as an  
16 adjuster. The Commissioner may charge a reasonable amount not to  
17 exceed Forty Dollars (\$40.00) for the study manual.

18 SECTION 8. AMENDATORY 36 O.S. 2001, Section 6210, as  
19 last amended by Section 46, Chapter 176, O.S.L. 2009 (36 O.S. Supp.  
20 2010, Section 6210), is amended to read as follows:

21 Section 6210. A. The answers of the applicant to any  
22 examination for licensing as an adjuster shall be written by the  
23  
24

1 applicant under supervision of the Insurance Commissioner or an  
2 administrator approved by the Insurance Commissioner.

3 B. Examination for licensing shall be at such reasonable times  
4 and places as are designated by the Insurance Commissioner.

5 C. An applicant who has failed to pass the first ~~examination~~  
6 two examinations for the license ~~for which applied may take a second~~  
7 ~~examination within~~ for shall not be permitted to take a subsequent  
8 examination until the expiration of thirty (30) days ~~following the~~  
9 ~~first~~ after the last examination. ~~An applicant who has failed to~~  
10 ~~pass the first two examinations for the license for which applied~~  
11 ~~shall not be permitted to take a subsequent examination until the~~  
12 ~~expiration of thirty (30) days after the last previous examination.~~  
13 ~~An applicant shall take and pass the examination within one hundred~~  
14 ~~eighty (180) days of the date of the initial application. If the~~  
15 ~~applicant fails to pass an examination within the specified time~~  
16 ~~period, the applicant shall submit a new application accompanied by~~  
17 ~~any applicable fees.~~ Examination fees for subsequent examinations  
18 shall not be waived.

19 SECTION 9. AMENDATORY 36 O.S. 2001, Section 6217, as  
20 last amended by Section 2, Chapter 355, O.S.L. 2010 (36 O.S. Supp.  
21 2010, Section 6217), is amended to read as follows:

22 Section 6217. A. All licenses issued pursuant to the  
23 provisions of the Insurance Adjusters Licensing Act shall continue  
24

1 in force not longer than twenty-four (24) months. The renewal dates  
2 for the licenses may be staggered throughout the year by notifying  
3 licensees in writing of the expiration and renewal date being  
4 assigned to the licensees by the Insurance Commissioner and by  
5 making appropriate adjustments in the biennial licensing fee.

6 B. Any licensee applying for renewal of a license as an  
7 adjuster shall have completed not less than twenty-four (24) clock  
8 hours of continuing insurance education, of which three (3) hours  
9 ~~must~~ shall be in ethics, within the previous twenty-four (24) months  
10 prior to renewal of the license. ~~Such continuing education shall~~  
11 ~~cover subjects in the classes of insurance for which the adjuster is~~  
12 ~~licensed.~~ The Insurance Commissioner shall approve courses and  
13 providers of continuing education for insurance adjusters as  
14 required by this section.

15 The Insurance Department may use one or more of the following to  
16 review and provide a nonbinding recommendation to the Insurance  
17 Commissioner on approval or disapproval of courses and providers of  
18 continuing education:

- 19 1. Employees of the Insurance Commissioner;
- 20 2. A continuing education advisory committee. The continuing  
21 education advisory committee is separate and distinct from the  
22 Advisory Board established by Section 6221 of this title;

23  
24

1           3. An independent service whose normal business activities  
2 include the review and approval of continuing education courses and  
3 providers. The Commissioner may negotiate agreements with such  
4 independent service to review documents and other materials  
5 submitted for approval of courses and providers and present the  
6 Commissioner with its nonbinding recommendation. The Commissioner  
7 may require such independent service to collect the fee charged by  
8 the independent service for reviewing materials provided for review  
9 directly from the course providers.

10           C. An adjuster who, during the time period prior to renewal,  
11 participates in an approved professional designation program shall  
12 be deemed to have met the biennial requirement for continuing  
13 education. Each course in the curriculum for the program shall  
14 total a minimum of twenty (20) hours. Each approved professional  
15 designation program included in this section shall be reviewed for  
16 quality and compliance every three (3) years in accordance with  
17 standardized criteria promulgated by rule. Continuation of approved  
18 status is contingent upon the findings of the review. The list of  
19 professional designation programs approved under this subsection  
20 shall be made available to producers and providers annually.

21           D. A claims adjuster for any insurer duly authorized to  
22 transact workers' compensation insurance shall complete six (6)  
23 hours of continuing education relating to the Workers' Compensation  
24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 Act as part of the twenty-four (24) clock hours of continuing  
2 insurance education.

3 E. The Insurance Department may promulgate rules providing that  
4 courses or programs offered by professional associations shall  
5 qualify for presumptive continuing education credit approval. The  
6 rules shall include standardized criteria for reviewing the  
7 professional associations' mission, membership, and other relevant  
8 information, and shall provide a procedure for the Department to  
9 disallow a presumptively approved course. Professional association  
10 courses approved in accordance with this subsection shall be  
11 reviewed every three (3) years to determine whether they continue to  
12 qualify for continuing education credit.

13 F. The active service of a licensed adjuster as a member of a  
14 continuing education advisory committee, as described in paragraph 2  
15 of subsection B of this section, shall be deemed to qualify for  
16 continuing education credit on an hour-for-hour basis.

17 G. Each provider of continuing education shall, after approval  
18 by the Commissioner, submit an annual fee. A fee may be assessed  
19 for each course submission at the time it is first submitted for  
20 review and upon submission for renewal at expiration. Annual fees  
21 and course submission fees shall be set forth as a rule by the  
22 Commissioner. The fees are payable to the Insurance Commissioner  
23 and shall be deposited in the State Insurance Commissioner Revolving

24

1 Fund, created in subsection C of Section 1435.23 of this title, for  
2 the purposes of fulfilling and accomplishing the conditions and  
3 purposes of the Oklahoma Producer Licensing Act and the Insurance  
4 Adjusters Licensing Act. Public-funded educational institutions,  
5 federal agencies, nonprofit organizations, not-for-profit  
6 organizations and Oklahoma state agencies shall be exempt from this  
7 subsection.

8 H. Subject to the right of the Commissioner to suspend, revoke,  
9 or refuse to renew a license of an adjuster, any such license may be  
10 renewed by filing on the form prescribed by the Commissioner on or  
11 before the expiration date a written request by or on behalf of the  
12 licensee for such renewal and proof of completion of the continuing  
13 education requirement set forth in subsection B of this section,  
14 accompanied by payment of the renewal fee.

15 I. If the request, proof of compliance with the continuing  
16 education requirement and fee for renewal of a license as an  
17 adjuster are filed with the Commissioner prior to the expiration of  
18 the existing license, the licensee may continue to act pursuant to  
19 said license, unless revoked or suspended prior to the expiration  
20 date, until the issuance of a renewal license or until the  
21 expiration of ten (10) days after the Commissioner has refused to  
22 renew the license and has mailed notice of said refusal to the  
23 licensee. Any request for renewal filed after the date of

1 expiration may be considered by the Commissioner as an application  
2 for a new license.

3 SECTION 10. AMENDATORY 59 O.S. 2001, Section 1304, is  
4 amended to read as follows:

5 Section 1304. ~~All licenses of bail bondsmen~~ Each bail bondsman  
6 license issued shall expire ~~annually~~ biennially at 12:00 o'clock  
7 midnight on the last day of ~~September~~ the birth month of the  
8 bondsman, unless revoked or suspended prior thereto by the Insurance  
9 Commissioner, or upon notice served upon the Commissioner that the  
10 insurer or employer of any bail bondsman has canceled the licensee's  
11 authority to act for such insurer or employer.

12 SECTION 11. AMENDATORY 59 O.S. 2001, Section 1305, as  
13 last amended by Section 55, Chapter 222, O.S.L. 2010 (59 O.S. Supp.  
14 2010, Section 1305), is amended to read as follows:

15 Section 1305. A. The application for license to serve as a  
16 bail bondsman shall affirmatively show that the applicant:

- 17 1. Is a person who has reached the age of twenty-one (21)  
18 years;
- 19 2. Is of good character and reputation;
- 20 3. Has not been previously convicted of, or pled guilty or nolo  
21 contendere to, any felony, or to a misdemeanor involving moral  
22 turpitude or dishonesty;
- 23 4. Is a citizen of the United States;

1 5. Has been a bona fide resident of the state for at least one  
2 (1) year;

3 6. Will actively engage in the bail bond business;

4 7. Has knowledge or experience, or has received instruction in  
5 the bail bond business; and

6 8. Has a high school diploma or its equivalent; provided,  
7 however, the provisions of this paragraph shall apply only to  
8 initial applications for license submitted on or after November 1,  
9 1997, and shall not apply to renewal applications for license.

10 B. The applicant shall apply ~~in writing~~ electronically on forms  
11 ~~prepared and supplied~~ approved by the Insurance Commissioner, and  
12 the Commissioner may propound any reasonable interrogatories to an  
13 applicant for a license pursuant to Sections 1301 through 1340 of  
14 this title, or on any renewal thereof, relating to qualifications,  
15 residence, prospective place of business and any other matters  
16 which, in the opinion of the Commissioner, are deemed necessary or  
17 expedient in order to protect the public and ascertain the  
18 qualifications of the applicant. The Commissioner may also conduct  
19 any reasonable inquiry or investigation relative to the  
20 determination of the fitness of the applicant to be licensed or to  
21 continue to be licensed including, but not limited to, requiring a  
22 national criminal history record check as defined by Section 150.9  
23 of Title 74 of the Oklahoma Statutes.

1 C. An applicant shall furnish to the Commissioner a license fee  
2 of Two Hundred Fifty Dollars (\$250.00) with the application, ~~a~~  
3 ~~complete set of the fingerprints of the applicant~~ and two recent  
4 credential-size full-face photographs of the applicant. The  
5 ~~fingerprints of the applicant shall be certified by an authorized~~  
6 ~~law enforcement officer.~~ In order to make a determination of  
7 license eligibility, the Commissioner is authorized to require  
8 fingerprints of applicants and submit such fingerprints and the fee  
9 required to perform the criminal history record checks to the  
10 Oklahoma State Bureau of Investigation, the Federal Bureau of  
11 Investigation, and any governmental agency or entity authorized to  
12 receive this information for state and national criminal history  
13 record checks. The applicant shall provide with the application an  
14 investigative fee of One Hundred Dollars (\$100.00) ~~with which the~~  
15 ~~Commissioner will conduct an investigation of the applicant.~~ All  
16 ~~fees shall be nonrefundable~~ to be paid to the Commissioner or to a  
17 contractor chosen by the Commissioner for purposes of collection and  
18 transmission of fingerprints authorized by this section.

19 D. The Commissioner shall require a criminal history record  
20 check on each applicant in accordance with this section. The  
21 Commissioner shall require each applicant to submit a full set of  
22 fingerprints, including a scanned file from a hard copy, in order  
23 for the Commissioner to obtain and receive National Criminal History

1 Records from the Federal Bureau of Investigation Criminal Justice  
2 Information Services Division.

3 E. The Commissioner may contract for the collection and  
4 transmission of fingerprints authorized under this section. If the  
5 Commissioner does so, the Commissioner may order the fee for  
6 collecting and transmitting fingerprints to be payable directly to  
7 the contractor by the applicant.

8 F. The Commissioner shall be authorized to receive criminal  
9 history record information in lieu of the Oklahoma State Bureau of  
10 Investigation or any governmental agency or entity authorized to  
11 receive this information that submitted the fingerprints to the  
12 Federal Bureau of Investigation.

13 G. The Commissioner shall treat and maintain the fingerprints  
14 of an applicant and any criminal history record information obtained  
15 pursuant to this section as confidential and shall apply security  
16 measures consistent with the Criminal Justice Information Services  
17 Division of the Federal Bureau of Investigation standards for the  
18 electronic storage of fingerprints and necessary identifying  
19 information and limit the use of records solely to the purposes  
20 authorized by this section. The fingerprints and any criminal  
21 history record information shall not be subject to subpoena, other  
22 than one issued in a criminal action or investigation and shall be

23

24

1 confidential by law and privileged, and shall not be subject to  
2 discovery or admissible in evidence in any private civil action.

3 H. Failure of the applicant to secure approval of the  
4 Commissioner shall not preclude the applicant from reapplying, but a  
5 second application shall not be considered by the Commissioner  
6 within three (3) months after denial of the last application.

7 ~~E.~~ I. The fee for a duplicate pocket license shall be Twenty-  
8 five Dollars (\$25.00).

9 J. The Commissioner may promulgate rules as are necessary for  
10 the implementation and administration of this section.

11 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1308, is  
12 amended to read as follows:

13 Section 1308. A. The applicant for bail bondsman shall be  
14 required to appear in person and take ~~a written~~ an examination  
15 prepared by the Insurance Commissioner, testing the applicant's  
16 ability and qualifications to be a bail bondsman. Applications are  
17 valid for six (6) months after submission. If an applicant has not  
18 acted upon the application within that period, a new application and  
19 fees shall be submitted for the applicant to be considered for  
20 licensure.

21 B. Each applicant shall become eligible for examination ~~ninety~~  
22 ~~(90) days after the date the application is received by the~~  
23 ~~Commissioner,~~ if the applicant has completed sixteen (16) hours of

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 education as required by Section 1308.1 of this title ~~and the~~  
2 ~~Commissioner is otherwise satisfied as to the applicant's fitness to~~  
3 ~~take~~ prior to the examination. Examinations shall be held at times  
4 and places as designated by the Commissioner, ~~and the applicant~~  
5 ~~shall be given notice of the time and place not less than fifteen~~  
6 ~~(15) days prior to taking the examination.~~

7 C. The fee for the examination shall be One Hundred Dollars  
8 (\$100.00) ~~in addition to the license fee heretofore provided and~~  
9 ~~shall be submitted after approval of the application but prior to~~  
10 ~~taking the examination.~~ Results will be mailed to the applicant  
11 ~~within thirty (30) days~~ provided after the applicant is examined.

12 D. The failure of an applicant to pass an examination shall not  
13 preclude the applicant from taking subsequent examinations;  
14 provided, however, that at least ~~three (3) months must~~ thirty (30)  
15 days shall intervene between examinations; and provided further,  
16 after a third or subsequent examination failure, an applicant may  
17 not ~~apply and~~ be examined for at least one (1) year after the last  
18 examination failure.

19 SECTION 13. AMENDATORY 59 O.S. 2001, Section 1308.1, is  
20 amended to read as follows:

21 Section 1308.1 A. In order to be eligible to take the  
22 examination required to be licensed as a bail bondsman, each person  
23 shall complete not less than sixteen (16) clock hours of education

1 in subjects pertinent to the duties and responsibilities of a bail  
2 bondsman, including all laws and regulations related thereto.  
3 Further, each licensee shall complete ~~annually~~ biennially not less  
4 than ~~eight (8)~~ sixteen (16) clock hours of continuing education in  
5 said subjects prior to renewal of the license. Such continuing  
6 education shall not include a written or oral examination.

7        Provided, any person licensed as a bail bondsman prior to  
8 November 1, 1989, shall not be required to complete sixteen (16)  
9 clock hours of education prior to licensure but shall be subject to  
10 the ~~eight hours~~ sixteen-hour continuing education requirement in  
11 order to renew said license, except that a licensed bail bondsman  
12 who is sixty-five (65) years of age or older and who has been  
13 licensed as a bail bondsman for fifteen (15) years or more shall be  
14 exempt from both the education and continuing education requirements  
15 of this section.

16        B. The Oklahoma Bondsman Association shall provide education  
17 for bail bondsman licensure as required by this section; provided  
18 that the Insurance Commissioner shall approve the courses offered  
19 and provided further such education meets the general standards for  
20 education otherwise established by the Insurance Commissioner.

21        C. The Oklahoma Bondsman Association shall submit ~~an annual~~  
22 biennially a fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred  
23 Dollars (\$200.00), payable to the Insurance Commissioner which shall

1 be deposited ~~in the Bail Bondsmen Revolving Fund~~ with the State  
2 Treasurer for the purposes of fulfilling and accomplishing the  
3 conditions and purposes of this section.

4 D. Any person who falsely represents to the Insurance  
5 Commissioner that compliance with this section has been met shall be  
6 subject, after notice and hearing, to the penalties and fines set  
7 out in Section 1310 of this title.

8 E. The Commissioner shall adopt and promulgate such rules as  
9 are necessary for effective administration of this section.

10 SECTION 14. AMENDATORY 59 O.S. 2001, Section 1309, is  
11 amended to read as follows:

12 Section 1309. A. A renewal license shall be issued by the  
13 Insurance Commissioner to a licensee who has continuously maintained  
14 same in effect, without further examination, upon payment of a  
15 renewal fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars  
16 (\$200.00) for a bail bondsman and proof of completion of ~~eight (8)~~  
17 sixteen (16) hours of continuing education as required by Section  
18 1308.1 of this title. The renewal fee shall be submitted ~~by~~  
19 ~~September 15 of each year~~ biennially by the last day of the birth  
20 month of the bondsman. Such licensee shall in all other respects be  
21 required to comply with and be subject to the provisions of ~~Section~~  
22 Sections 1301 ~~et seq.~~ through 1340 of this title.

23

24

1 B. In case of renewal of a professional bondsman license, the  
2 application shall also provide a financial statement prepared by an  
3 accounting firm or individual holding a permit to practice public  
4 accounting in this state in accordance with generally accepted  
5 principles of accounting procedures showing assets, liabilities, and  
6 net worth, said statement to be as of a date not earlier than ninety  
7 (90) days prior to submission of the license renewal application.  
8 The statements shall be attested to by an unqualified opinion of the  
9 accounting firm or individual holding a permit to practice public  
10 accounting in this state that prepared the statement or statements.  
11 The statement shall be submitted by ~~September 15 of each year~~  
12 annually by the last day of the birth month of the bondsman.

13 C. In case of renewal of a property bondsman license, the  
14 application shall also provide a county assessor's written statement  
15 stating the property's assessed value for each property used to post  
16 bonds and a written statement from any lien holder stating the  
17 current payoff amount on each lien for each property used to post  
18 bonds. The written statements shall be submitted by ~~September 15 of~~  
19 ~~each year~~ annually by the last day of the birth month of the  
20 bondsman.

21 D. If the license is not renewed or the renewal fee is not paid  
22 by ~~September 30 of each year~~ the last day of the birth month of the  
23 bondsman, such license shall expire automatically pursuant to

1 Section 1304 of this title. ~~If after November 30 of each year~~ The  
2 license may be reinstated by payment of the renewal fee if payment  
3 is received within one (1) year of expiration. If after the one-  
4 year date, the license has not been renewed ~~or the renewal fee paid,~~  
5 then ~~such~~ the licensee shall be required to apply for a license as a  
6 new applicant.

7 E. ~~Late renewal~~ Reinstatement fees shall be double the original  
8 fee.

9 SECTION 15. AMENDATORY 59 O.S. 2001, Section 1314, as  
10 last amended by Section 58, Chapter 222, O.S.L. 2010 (59 O.S. Supp.  
11 2010, Section 1314), is amended to read as follows:

12 Section 1314. A. When a bail bondsman or managing general  
13 agent accepts collateral, the bail bondsman or managing general  
14 agent shall give a written receipt for same, and this receipt shall  
15 give in detail a full description of the collateral received. A  
16 description of the collateral shall be listed on the undertaking by  
17 affidavit. All property taken as collateral, whether personal,  
18 intangible or real, shall be receipted for and deemed, for all  
19 purposes, to be in the name of, and for the use and benefit of, the  
20 surety company or licensed professional bondsman, as the case may  
21 be. Every receipt, encumbrance, mortgage or other evidence of the  
22 custody, possession or claim shall facially indicate that it has  
23 been taken or made on behalf of the surety company or professional

1 bondsman through its authorized agent, the individual licensed  
2 bondsman or managing general agent who has transacted the  
3 undertaking with the bond principal. Any mortgage or other  
4 encumbrance against real property taken under the provisions of this  
5 section which does not indicate beneficial ownership of the claim to  
6 be in favor of the surety company or professional bondsman shall be  
7 deemed to constitute a cloud on the title to real estate and shall  
8 subject the person filing, or causing same to be filed, in the real  
9 estate records of the county, to a penalty of treble damages or One  
10 Thousand Dollars (\$1,000.00), whichever is greater, in an action  
11 brought by the person, organization or corporation injured thereby.  
12 For collateral taken, or liens or encumbrances taken or made  
13 pursuant to the provisions of this section, the individual bondsman  
14 or managing general agent taking possession of the property or  
15 making the lien, claim or encumbrance shall do so on behalf of the  
16 surety company or professional bondsman, as the case may be, and the  
17 individual licensed bondsman shall be deemed to act in the capacity  
18 of fiduciary in relation to both:

19 1. The principal or other person from whom the property is  
20 taken or claimed against; and

21 2. The surety company or professional bondsman whose agent is  
22 the licensed bondsman.

23

24

1 As fiduciary and bailee for hire, the individual bondsman shall  
2 be liable in criminal or civil actions at law for failure to  
3 properly receipt or account for, maintain or safeguard, release or  
4 deliver possession upon lawful demand, in addition to any other  
5 penalties set forth in this subsection. No person who takes  
6 possession of property as collateral pursuant to this section shall  
7 use or otherwise dissipate the asset, or do otherwise with the  
8 property than to safeguard and maintain its condition pending its  
9 return to its lawful owner, or deliver to the surety company or  
10 professional bondsman, upon lawful demand pursuant to the terms of  
11 the bailment.

12 B. Every licensed bondsman shall file monthly ~~by mail with~~  
13 ~~return receipt requested~~ electronically with the Insurance  
14 Commissioner and on forms ~~prescribed~~ approved by the Commissioner as  
15 follows:

16 1. A monthly report showing every bond written, amount of bond,  
17 whether released or revoked during each month, showing the court and  
18 county, and the style and number of the case, premiums charged and  
19 collateral received; and

20 2. Professional bondsmen shall submit ~~by mail with return~~  
21 ~~receipt requested notarized~~ electronic monthly reports showing total  
22 current liabilities, all bonds written during the month by the  
23 professional bondsman and by any licensed bondsman who may

1 countersign for the professional bondsman, all bonds terminated  
2 during the month, and the total liability and a list of all bondsmen  
3 currently employed by the professional bondsmen.

4 Monthly reports shall be ~~postmarked or stamped "received"~~ by  
5 submitted electronically to the Insurance Commissioner by the  
6 fifteenth day of each month. The records shall be maintained by the  
7 Commissioner as public records.

8 C. Every licensee shall keep at the place of business of the  
9 licensee the usual and customary records pertaining to transactions  
10 authorized by the license. All of the records shall be available  
11 and open to the inspection of the Commissioner at any time during  
12 business hours during the three (3) years immediately following the  
13 date of the transaction. The Commissioner may require a financial  
14 examination or market conduct survey during any investigation of a  
15 licensee.

16 D. Each bail bondsman shall submit each month with the monthly  
17 report of the bondsman, a renewal fee equal to two-tenths of one  
18 percent (2/10 of 1%) of the new liability written for that month.  
19 The fee shall be payable to the Insurance Commissioner who shall  
20 deposit same with the State Treasurer.

21 SECTION 16. REPEALER Section 11, Chapter 125, O.S.L.  
22 2007 (36 O.S. Supp. 2010, Section 1435.7A), is hereby repealed.

23 SECTION 17. This act shall become effective July 1, 2011.

1       SECTION 18. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5  
6 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02-23-2011 - DO  
7 PASS, As Amended.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24