



1 Section 321. A. The Insurance Commissioner shall collect in  
2 advance the following fees and licenses:

3 1. For filing charter documents:  
4 Original charter documents,  
5 articles of incorporation, bylaws,  
6 or record of organization of alien  
7 or foreign insurers, or certified  
8 copies thereof.....\$50.00

9 2. Certificate of Authority:

10 ~~(a)~~ a. Issuance:  
11 Fraternal benefit societies,  
12 alien or foreign.....\$150.00  
13 Hospital service and medical  
14 indemnity corporations, alien  
15 or foreign.....\$150.00  
16 All other alien or foreign  
17 insurers.....\$150.00

18 ~~(b)~~ b. Renewal:  
19 Fraternal benefit societies,  
20 alien or foreign.....\$150.00  
21 Hospital service and medical  
22 indemnity corporations, alien  
23 or foreign.....\$150.00

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1	All other alien or foreign	
2	insurers.....	\$150.00
3	<u>c.</u> <u>Duplicate or replacement:</u>	
4	<u>Fraternal benefit societies,</u>	
5	<u>alien or foreign.....</u>	<u>\$25.00</u>
6	<u>Hospital service and medical</u>	
7	<u>indemnity corporations, alien</u>	
8	<u>or foreign.....</u>	<u>\$25.00</u>
9	<u>All other alien or foreign</u>	
10	<u>insurerers.....</u>	<u>\$25.00</u>
11	3. For filing appointment of Insurance	
12	Commissioner as agent for service	
13	of process.....	\$10.00
14	4. Miscellaneous:	
15	<del>(a)</del> <u>a.</u> Copies of records, per page.....	\$0.40
16	<del>(b)</del> <u>b.</u> Amended charter documents,	
17	articles of incorporation or	
18	bylaws of domestic, alien or	
19	foreign insurers or health	
20	maintenance organizations.....	\$50.00
21	<del>(e)</del> <u>c.</u> Certificate of Commissioner,	
22	under seal.....	\$5.00

- 1     ~~(d)~~ d. For filing Merger and
- 2                   Acquisition Forms.....\$1,000.00
- 3     ~~(e)~~ e. For filing Variable Product
- 4                   Forms.....\$200.00
- 5     ~~(f)~~ f. For filing a Life, Accident
- 6                   and Health Policy and Health
- 7                   Maintenance Organization
- 8                   contract.....\$50.00
- 9     ~~(g)~~ g. For filing an advertisement or
- 10                   rider application to a Life,
- 11                   Accident and Health Policy and
- 12                   Health Maintenance
- 13                   Organization contract.....\$25.00
- 14     ~~(h)~~ h. Pending Company Review.....\$1,000.00
- 15     ~~(i)~~ i. For filing a Viatical
- 16                   Settlement Contract or Life
- 17                   Settlement.....\$50.00
- 18     ~~(j)~~ j. For filing an advertisement
- 19                   for Viatical Settlement or
- 20                   Life Settlement.....\$25.00
- 21     ~~(k)~~ k. For filing application for
- 22                   Viatical Settlement or Life
- 23                   Settlement Contract.....\$25.00

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1       ~~(1)~~ 1. Miscellaneous form filing.....\$25.00

2           B. There shall be assessed an annual fee of Five Hundred  
3 Dollars (\$500.00) payable by each insurer, health maintenance  
4 organization, fraternal benefit society, hospital service and  
5 medical indemnity corporation, charitable and benevolent  
6 corporation, or United States surplus lines insurance companies  
7 licensed to do business in this state, to pay for the filing,  
8 processing, and reviewing of annual and quarterly financial  
9 statements by personnel of the Office of the State Insurance  
10 Commissioner.

11           SECTION 2.        AMENDATORY        36 O.S. 2011, Section 1450, is  
12 amended to read as follows:

13           Section 1450. A. No person shall act as or present himself or  
14 herself to be an administrator, as defined by the provisions of the  
15 Third-party Administrator Act, in this state, unless the person  
16 holds a valid license as an administrator which is issued by the  
17 Insurance Commissioner.

18           B. An administrator shall not be eligible for a nonresident  
19 administrator license under this section if the administrator does  
20 not hold a home state certificate of authority or license in a state  
21 that has adopted the Third-party Administrator Act or that applies  
22 substantially similar provisions as are contained in the Third-party  
23 Administrator Act to that administrator. If the Third-party

1 Administrator Act in the administrator's home state does not extend  
2 to stop-loss insurance, but if the home state otherwise applies  
3 substantially similar provisions as are contained in the Third-party  
4 Administrator Act to that administrator, then that omission shall  
5 not operate to disqualify the administrator from receiving a  
6 nonresident administrator license in this state.

7 1. "Home state" means the United States jurisdiction that has  
8 adopted the Third-party Administrator Act or a substantially similar  
9 law governing third-party administrators and which has been  
10 designated by the administrator as its principal regulator. The  
11 administrator may designate either its state of incorporation or its  
12 principal place of business within the United States if that  
13 jurisdiction has adopted the Third-party Administrator Act or a  
14 substantially similar law governing third-party administrators. If  
15 neither the administrator's state of incorporation nor its principal  
16 place of business within the United States has adopted the Third-  
17 party Administrator Act or a substantially similar law governing  
18 third-party administrators, then the third-party administrator shall  
19 designate a United States jurisdiction in which it does business and  
20 which has adopted the Third-party Administrator Act or a  
21 substantially similar law governing third-party administrators. For  
22 purposes of this definition, "United States jurisdiction" means the  
23 District of Columbia or a state or territory of the United States.

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1 2. "Nonresident administrator" means a person who is applying  
2 for licensure or is licensed in any state other than the  
3 administrator's home state.

4 C. In the case of a partnership which has been licensed, each  
5 general partner shall be named in the license and shall qualify  
6 therefore as though an individual licensee. The Commissioner shall  
7 charge a full additional license fee and a separate license shall be  
8 issued for each individual so named in such a license. The  
9 partnership shall notify the Commissioner within fifteen (15) days  
10 if any individual licensed on its behalf has been terminated, or is  
11 no longer associated with or employed by the partnership. Any  
12 entity or partnership licensed as administrators under the Third-  
13 party Administrators Act shall provide National Association of  
14 Insurance Commissioner Biographical Affidavits as required for  
15 domestic insurers pursuant to the insurance laws of this state.

16 D. An application for an administrator's license shall be in a  
17 form prescribed by the Commissioner and shall be accompanied by a  
18 fee of ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00).  
19 This fee shall not be refundable if the application is denied or  
20 refused for any reason by either the applicant or the Commissioner.

21 E. The administrator's license shall continue in force no  
22 longer than ~~twelve (12)~~ twenty-four (24) months from the original  
23 month of issuance. Upon filing a renewal form prescribed by the  
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1 Commissioner, accompanied by a fee of ~~One Hundred Dollars (\$100.00)~~  
2 Two Hundred Dollars (\$200.00), the license may be renewed annually  
3 for a one-year term. Late application for renewal of a license  
4 shall require a fee of double the amount of the original license  
5 fee. The administrator shall submit, together with the application  
6 for renewal, a list of the names and addresses of the persons with  
7 whom the administrator has contracted in accordance with Section  
8 1443 of this title. The Commissioner shall hold this information  
9 confidential except as provided in Section 1443 of this title.

10 F. The administrator's license shall be issued or renewed by  
11 the Commissioner unless, after notice and opportunity for hearing,  
12 the Commissioner determines that the administrator is not competent,  
13 trustworthy, or financially responsible, or has had any insurance  
14 license denied for cause by any state, has been convicted or has  
15 pleaded guilty or nolo contendere to any felony or to a misdemeanor  
16 involving moral turpitude or dishonesty.

17 G. After notice and opportunity for hearing, and upon  
18 determining that the administrator has violated any of the  
19 provisions of the Oklahoma Insurance Code or upon finding reasons  
20 for which the issuance or nonrenewal of such license could have been  
21 denied, the Commissioner may either suspend or revoke an  
22 administrator's license or assess a civil penalty of not more than  
23 Five Thousand Dollars (\$5,000.00) for each occurrence. The payment  
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1 of the penalty may be enforced in the same manner as civil judgments  
2 may be enforced.

3 H. Any person who is acting as or presenting himself or herself  
4 to be an administrator without a valid license shall be subject,  
5 upon conviction, to a fine of not less than One Thousand Dollars  
6 (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for each  
7 occurrence. This fine shall be in addition to any other penalties  
8 which may be imposed for violations of the Oklahoma Insurance Code  
9 or other laws of this state.

10 I. Except as provided for in subsections F and G of this  
11 section, any person convicted of violating any provisions of the  
12 Third-party Administrator Act shall be guilty of a misdemeanor and  
13 shall be subject to a fine of not more than One Thousand Dollars  
14 (\$1,000.00).

15 SECTION 3. AMENDATORY 36 O.S. 2011, Section 6676, is  
16 amended to read as follows:

17 Section 6676. A. 1. A sworn application for the license  
18 provided for in Section ~~2~~ 6671 of this ~~act~~ title shall be made to  
19 and filed with the Insurance Commissioner on forms prescribed and  
20 furnished by the Insurance Commissioner.

21 2. The Insurance Commissioner shall collect in advance the  
22 following fees:  
23  
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1           a. For filing appointment of Insurance  
2                   Commissioner as agent for service of  
3                   process.....\$20.00

4           b. For filing organizational documents of an  
5                   entity applying for a limited-lines  
6                   license.....\$20.00

7           B. The application shall:

8           1. Provide the name, residence address, and other information  
9 required by the Insurance Commissioner for an employee or officer of  
10 the vendor that is designated by the applicant as the person  
11 responsible for the vendor's compliance with the requirements of  
12 Sections ~~4~~ 6670 through ~~7~~ 6676 of this ~~act~~ title. If the vendor  
13 derives more than fifty percent (50%) of its revenue from the sale  
14 of portable electronics insurance, the information noted above shall  
15 be provided for all officers, directors, and shareholders of record  
16 having beneficial ownership of ten percent (10%) or more of any  
17 class of securities registered under the federal securities law;

18           2. Appoint the Insurance Commissioner as the applicant's  
19 attorney to receive service of all legal process issued against it  
20 in any civil action or proceeding in this state and agreeing that  
21 process so served shall be valid and binding against the applicant.  
22 The appointment shall be irrevocable, shall bind the company and any  
23 successor in interest as the assets or liabilities of the applicant,

1 and shall remain in effect as long as the applicant's license  
2 remains in force in this state; and

3 3. Specify the location of the applicant's home office.

4 C. Applications for licensure pursuant to Section ~~2~~ 6671 of  
5 this ~~act~~ title shall be made within ninety (90) days of the  
6 application being made available by the Insurance Commissioner.

7 D. Initial licenses issued pursuant to ~~the~~ Section ~~2~~ 6671 of  
8 this ~~act~~ title shall be valid for a period of twenty-four (24)  
9 months.

10 E. Each vendor of portable electronics licensed pursuant to  
11 Sections ~~4~~ 6670 through ~~7~~ 6676 of this ~~act~~ title shall pay to the  
12 Insurance Commissioner a fee as prescribed by the Insurance  
13 Commissioner but in no event shall the fee exceed One Thousand  
14 Dollars (\$1,000.00) for an initial portable electronics limited  
15 lines license and Five Hundred Dollars (\$500.00) for each renewal  
16 thereof. For a vendor that is engaged in portable electronics  
17 transactions at ten or fewer locations in the state the fee shall  
18 not exceed One Hundred Dollars (\$100.00) for an initial license and  
19 for each renewal thereof.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 858-708, is  
21 amended to read as follows:

22 Section 858-708. A. The Insurance Department shall charge and  
23 collect fees not to exceed the following:

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1	1. Trainee Appraiser Certificate	
2	(annually)	\$300.00
3	2. State Licensed Appraiser	
4	Certificate (annually)	\$300.00
5	3. State Certified General Appraiser	
6	Certificate (annually)	\$300.00
7	4. State Certified Residential Appraiser	
8	Certificate (annually)	\$300.00
9	5. State Licensed	
10	Appraiser Examination	\$150.00
11	6. State Certified General Appraiser Examination	\$150.00
12	7. State Certified Residential Appraiser	
13	Examination	\$150.00
14	8. Reexamination Fee	\$150.00
15	9. Late Fee	\$50.00
16	10. Reinstatement Fee	\$50.00
17	11. Duplicate for Lost or Destroyed Certificate	\$5.00
18	12. Temporary Practice Fee Per Appraisal	\$50.00
19	13. Maximum Temporary Practice Fee Per Assignment	\$150.00

20 B. The Department shall charge and collect such fees as may be  
21 promulgated by administrative rule by the Real Estate Appraiser  
22 Board for the conduct of experience reviews required in the  
23 licensing process.

1 C. The Department shall charge and collect such fees as may be  
2 promulgated by administrative rule by the Real Estate Appraiser  
3 Board for review of submissions by course providers and instructors.

4 D. The ~~Insurance~~ Department shall charge and collect a Federal  
5 Registry Fee ~~of Twenty-five Dollars (\$25.00)~~ in such amount as may  
6 be assessed from time to time by the Appraisal Subcommittee of the  
7 Federal Financial Institutions Examination Council for all state  
8 licensed, state certified residential, and state certified general  
9 appraisers. ~~Said~~ The fee shall be transmitted to the Appraisal  
10 Subcommittee of the Federal Financial Institutions Examination  
11 Council.

12 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1305, is  
13 amended to read as follows:

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

- 16 1. Is a person who has reached the age of twenty-one (21)  
17 years;
  - 18 2. Is of good character and reputation;
  - 19 3. Has not been previously convicted of, or pled guilty or nolo  
20 contendere to, any felony, or to a misdemeanor involving moral  
21 turpitude or dishonesty;
  - 22 4. Is a citizen of the United States;
- 23  
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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 electronically on forms approved  
11 by the Insurance Commissioner, and the Commissioner may propound any  
12 reasonable interrogatories to an applicant for a license pursuant to  
13 Sections 1301 through 1340 of this title, or on any renewal thereof,  
14 relating to qualifications, residence, prospective place of business  
15 and any other matters which, in the opinion of the Commissioner, are  
16 deemed necessary or expedient in order to protect the public and  
17 ascertain the qualifications of the applicant. The Commissioner may  
18 also conduct any reasonable inquiry or investigation relative to the  
19 determination of the fitness of the applicant to be licensed or to  
20 continue to be licensed including, but not limited to, requiring a  
21 national criminal history record check as defined by Section 150.9  
22 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)~~ Three Hundred Fifty Dollars  
3 (\$350.00) with the application, a complete set of the fingerprints  
4 of the applicant and two recent credential-size full face  
5 photographs of the applicant. The fingerprints of the applicant  
6 shall be certified by an authorized law enforcement officer. The  
7 applicant shall provide with the application an investigative fee of  
8 One Hundred Dollars (\$100.00) with which the Commissioner will  
9 conduct an investigation of the applicant. All fees shall be  
10 nonrefundable.

11 D. A bail bond license shall consist of four lines of  
12 authority:

- 13 1. Cash;
- 14 2. Professional;
- 15 3, Property Bail; and
- 16 4. Surety Bail.

17 A bail bondsman electing to add or remove a line of authority  
18 shall pay a fee of Ten Dollars (\$10.00) and shall submit the request  
19 in writing to the Commissioner.

20 E. Failure of the applicant to secure approval of the  
21 Commissioner shall not preclude the applicant from reapplying, but a  
22 second application shall not be considered by the Commissioner  
23 within three (3) months after denial of the last application.

1       ~~E.~~ F. The fee for a duplicate pocket license shall be Twenty-  
2 five Dollars (\$25.00).

3       SECTION 6.       AMENDATORY       59 O.S. 2011, Section 1310, is  
4 amended to read as follows:

5       Section 1310. A. The Insurance Commissioner may deny, censure,  
6 suspend, revoke, or refuse to renew any license issued under  
7 Sections 1301 through 1340 of this title for any of the following  
8 causes:

9       1. For any cause for which issuance of the license could have  
10 been refused;

11       2. Violation of any laws of this state or any lawful rule,  
12 regulation, or order of the Commissioner relating to bail;

13       3. Material misstatement, misrepresentation, or fraud in  
14 obtaining the license;

15       4. Misappropriation, conversion, or unlawful withholding of  
16 monies or property belonging to insurers, insureds, or others  
17 received in the conduct of business under the license;

18       5. Conviction of, or having entered a plea of guilty or nolo  
19 contendere to, any felony or to a misdemeanor involving moral  
20 turpitude or dishonesty;

21       6. Fraudulent or dishonest practices in conducting business  
22 under the license;

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1 7. Failure to comply with, or violation of any proper order,  
2 rule, or regulation of the Commissioner;

3 8. Recommending any particular attorney-at-law to handle a case  
4 in which the bail bondsman has caused a bond to be issued under the  
5 terms of Sections 1301 through 1340 of this title;

6 9. When, in the judgment of the Commissioner, the licensee has,  
7 in the conduct of affairs under the license, demonstrated  
8 incompetency, or untrustworthiness, or conduct or practices  
9 rendering the licensee unfit to carry on the bail bond business or  
10 making continuance in the business detrimental to the public  
11 interest, or that the licensee is no longer in good faith carrying  
12 on the bail bond business, or that the licensee is guilty of  
13 rebating, or offering to rebate, or dividing with someone other than  
14 a licensed bail bondsman, or offering to divide commissions in the  
15 case of limited surety agents, or premiums in the case of  
16 professional bondsmen, and for this conduct is found by the  
17 Commissioner to be a source of detriment, injury, or loss to the  
18 public;

19 10. For any materially untrue statement in the license  
20 application;

21 11. Misrepresentation of the terms of any actual or proposed  
22 bond;

1       12. For forging the name of another to a bond or application  
2 for bond;

3       13. Cheating on an examination for licensure;

4       14. Soliciting business in or about any place where prisoners  
5 are confined, arraigned, or in custody;

6       15. For paying a fee or rebate, or giving or promising anything  
7 of value to a jailer, trustee, police officer, law enforcement  
8 officer, or other officer of the law, or any other person who has  
9 power to arrest or hold in custody, or to any public official or  
10 public employee in order to secure a settlement, compromise,  
11 remission, or reduction of the amount of any bail bond or  
12 estreatment thereof, or to secure delay or other advantage. This  
13 shall not apply to a jailer, police officer, or officer of the law  
14 who is not on duty and who assists in the apprehension of a  
15 defendant;

16       16. For paying a fee or rebating or giving anything of value to  
17 an attorney in bail bond matters, except in defense of an action on  
18 a bond;

19       17. For paying a fee or rebating or giving or promising  
20 anything of value to the principal or anyone in the behalf of the  
21 principal;

22       18. Participating in the capacity of an attorney at a trial or  
23 hearing for one on whose bond the licensee is surety;

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1 19. Accepting anything of value from a principal, other than  
2 the premium; provided, the bondsman shall be permitted to accept  
3 collateral security or other indemnity from the principal which  
4 shall be returned immediately upon final termination of liability on  
5 the bond and upon satisfaction of all terms, conditions, and  
6 obligations contained within the indemnity agreement. Collateral  
7 security or other indemnity required by the bondsman shall be  
8 reasonable in relation to the amount of the bond;

9 20. Willful failure to return collateral security to the  
10 principal when the principal is entitled thereto;

11 21. For failing to notify the Commissioner of a change of legal  
12 name, address, or e-mail address as noted on the license, within  
13 five (5) business days after a change is made, or failing to respond  
14 to a properly mailed notification within a reasonable amount of  
15 time. A change in legal name, address, or e-mail address submitted  
16 to the Department more than five (5) business days after the change  
17 shall include an administrative fee of Twenty-five Dollars (\$25.00);

18 22. For failing to file a report as required by Section 1314 of  
19 this title;

20 23. For filing a materially untrue monthly report;

21 24. For filing false affidavits regarding cancellation of the  
22 appointment of an insurer;

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1 25. Forcing the Commissioner to withdraw deposited monies to  
2 pay forfeitures or any other outstanding judgments;

3 26. For failing to pay any fees to a district court clerk as  
4 are required by this title or failing to pay any fees to a municipal  
5 court clerk as are required by this title or by Section 28-127 of  
6 Title 11 of the Oklahoma Statutes;

7 27. For uttering an insufficient check to the Insurance  
8 Commissioner for any fees, fines or other payments received by the  
9 Commissioner from the bail bondsman;

10 28. For failing to pay travel expenses for the return of the  
11 defendant to custody once having guaranteed the expenses pursuant to  
12 the provisions of subparagraph d of paragraph 3 of subsection C of  
13 Section 1332 of this title; and

14 29. The Commissioner may also refuse to renew a licensed  
15 bondsman for failing to file all outstanding monthly bail reports,  
16 pay any outstanding fines, pay any outstanding monthly report  
17 reviewal fees owed to the Commissioner, or respond to a current  
18 order issued by the Commissioner.

19 B. In addition to any applicable denial, censure, suspension,  
20 or revocation of a license, any person violating any provision of  
21 Sections 1301 through 1340 of this title may be subject to a civil  
22 penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor  
23 more than Two Thousand Five Hundred Dollars (\$2,500.00) for each  
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1 occurrence. This fine may be enforced in the same manner in which  
2 civil judgments may be enforced. Any order for civil penalties  
3 entered by the Commissioner or authorized decision maker for the  
4 Insurance Department which has become final may be filed with the  
5 court clerk of Oklahoma County and shall then be enforced by the  
6 judges of Oklahoma County.

7 C. No bail bondsman or bail bond agency shall advertise as or  
8 hold itself out to be a surety company.

9 D. If any bail bondsman is convicted by any court of a  
10 violation of any of the provisions of this act, the license of the  
11 individual shall therefore be deemed to be immediately revoked,  
12 without any further procedure relative thereto by the Commissioner.

13 E. For one (1) year after notification by the Commissioner of  
14 an alleged violation, or for two (2) years after the last day the  
15 person was licensed, whichever is the lesser period of time, the  
16 Commissioner shall retain jurisdiction as to any person who cancels  
17 his bail bondsman's license or allows the license to lapse, or  
18 otherwise ceases to be licensed, if the person while licensed as a  
19 bondsman allegedly violated any provision of this title. Notice and  
20 opportunity for hearing shall be conducted in the same manner as if  
21 the person still maintained a bondsman's license. If the  
22 Commissioner or a hearing examiner determines that a violation of  
23 the provisions of Sections 1301 through 1340 of this title occurred,

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1 any order issued pursuant to the determination shall become a  
2 permanent record in the file of the person and may be used if the  
3 person should request licensure or reinstatement.

4 F. Any law enforcement agency, district attorney's office,  
5 court clerk's office, or insurer that is aware that a licensed bail  
6 bondsman has been convicted of or has pleaded guilty or nolo  
7 contendere to any crime, shall notify the Insurance Commissioner of  
8 that fact.

9 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1314, is  
10 amended to read as follows:

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

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

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

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

22 As fiduciary and bailee for hire, the individual bondsman shall  
23 be liable in criminal or civil actions at law for failure to

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

10 B. 1. Every licensed bondsman shall file monthly  
11 electronically with the Insurance Commissioner and on forms approved  
12 by the Commissioner ~~as follows:~~

13 ~~1.~~ 2. A monthly report showing every bond written, amount of  
14 bond, whether released or revoked during each month, showing the  
15 court and county, and the style and number of the case, premiums  
16 charged and collateral received; ~~and~~

17 ~~2.~~ C. Professional bondsmen shall submit electronic monthly  
18 reports showing total current liabilities, all bonds written during  
19 the month by the professional bondsman and by any licensed bondsman  
20 who may countersign for the professional bondsman, all bonds  
21 terminated during the month, and the total liability and a list of  
22 all bondsmen currently employed by the professional bondsmen.

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1 Monthly reports shall be submitted electronically to the  
2 Insurance Commissioner by the fifteenth day of each month. The  
3 records shall be maintained by the Commissioner as public records.

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

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

17 F. 1. A bondsman who submits an untimely report shall be  
18 assessed a late filing fee of Fifty Dollars (\$50.00) for each report  
19 submitted untimely.

20 2. A bondsman who has submitted untimely reports three (3)  
21 times within a twelve-month period shall be subject to the  
22 provisions of subsection B of Section 1310 of this title.

1 SECTION 8. This act shall become effective November 1, 2012.

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3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
4 02/27/2012 - DO PASS, As Amended and Coauthored.  
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