

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2385

By: Faught

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 1301, which relates to
9 bail bondsmen; clarifying language; and providing an
10 effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1301, is
14 amended to read as follows:

15 Section 1301. A. This act shall only apply to the regulation
16 of bail bonds for crimes, the punishment of which may be in excess
17 of Twenty Dollars (\$20.00) fine or twenty (20) days in jail, or both
18 such fine and imprisonment.

19 B. As used in this act:

20 1. "Commissioner" means the Insurance Commissioner of the State
21 of Oklahoma;

22 2. "Clerk" means the district or municipal court clerk;
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1 3. "Insurer" means any domestic, foreign or alien surety
2 company which has qualified generally to transact surety business
3 and specifically to transact bail bond business in this state;

4 4. "Bail bondsman" means a surety bondsman, professional
5 bondsman, property bondsman, or a cash bondsman as hereinafter
6 defined;

7 5. "Surety bondsman" means any person who has been approved by
8 the Commissioner and appointed by an insurer or a professional
9 bondsman, by power of attorney, to execute or countersign bail bonds
10 for the insurer or a professional bondsman, in connection with
11 judicial proceedings and charges and receives money for ~~his~~ the
12 services;

13 6. "Managing general agent" (M.G.A.) means any person acting in
14 the capacity of supervisor or manager over a licensed bondsman, who
15 has been granted the authority or responsibility by a surety company
16 to conduct surety business on its behalf, and to oversee the
17 activities and conduct of the surety's appointed licensed bondsman
18 agents, and who generally functions as an intermediate manager
19 between the surety and its licensed bondsman agents. A managing
20 general agent fulfilling these functions shall be a natural person,
21 shall meet the qualifications of paragraph 5 of this subsection and
22 shall be licensed as a bondsman;

23 7. "Professional bondsman" means any person who has been
24 approved by the Commissioner and who pledges cash as security for a

1 bail bond in connection with a judicial proceeding and charges and
2 receives money for ~~his~~ the services;

3 8. "Property bondsman" means any person who has been approved
4 by the Commissioner and who pledges real property as security for a
5 bail bond in a judicial proceeding and charges and receives money
6 for ~~his~~ the services;

7 9. "Cash bondsman" means any person who has been approved by
8 the Commissioner and who deposits cash money as security for a bail
9 bond in a judicial proceeding and charges and receives money for ~~his~~
10 the services;

11 10. "Escrow deposit" means cash or valuable security deposited
12 by an insurer of a surety bondsman or professional bondsman to
13 secure the face amount of forfeiture pending appeal;

14 11. "Solicitation" means to ask for earnestly, seek to obtain
15 by persuasion or entreaty, implore, beseech, tempt or entice a
16 person directly or through another person by personal, mechanical,
17 printed or published means to purchase a bail bond. Solicitation
18 shall not include mass communication advertising, which shall
19 include, but not be limited to, television, newspapers, magazines
20 and billboards; and

21 12. "Bond" means an appearance bond for a specified monetary
22 amount which is executed by the defendant and a licensed bondsman
23 pursuant to the provisions of ~~Section~~ Sections 1301 ~~et seq.~~ through
24 1340 of this title and which is issued to a court clerk as security

1 for the subsequent court appearance of the defendant upon release
2 from actual custody pending the appearance.

3 SECTION 2. This act shall become effective November 1, 2012.

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