

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 101

By: Allen of the Senate

3 and

4 Osborn and Bennett of the
5 House

6
7
8 An Act relating to bail bondsmen; changing
9 eligibility for certain persons to be bail bondsmen;
10 authorizing restaurant owners and certain persons to
11 be licensed bail bondsmen upon certain conditions;
12 defining terms; prohibiting executing duties or
13 having an office on certain premises; excluding
14 exception for bail enforcers; authorizing the ABLE
15 Commission to investigate and certify certain
16 exceptions for licensure; requiring certain
17 notification of disqualification; allowing reasonable
18 fee; authorizing certain reimbursement for
19 violations; revoking certain license for violation;
20 amending 59 O.S. 2011, Section 1315, which relates to
21 persons prohibited from being bail bondsmen; making
22 certain exceptions; providing for codification; and
23 providing an effective date.

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28 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
29 and insert

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1 Commission to investigate and certify certain
2 exceptions for licensure; requiring certain
3 notification of disqualification; authorizing
4 certain reimbursement for violations; revoking
5 certain license for violation; amending 59 O.S.
6 2011, Section 1315, as last amended by Section 5,
7 Chapter 150, O.S.L. 2013 (59 O.S. Supp. 2014,
8 Section 1315), which relates to persons prohibited
9 from being bail bondsmen; making certain exceptions;
10 providing for codification; and providing an
11 effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1315.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

A. On and after the effective date of this act, as an exception
to the provisions in paragraph 8, 9, 10 or 11 of Section 1315 of
Title 59 of the Oklahoma Statutes prohibiting a person from being a
bail bondsman or receiving any benefit from the execution of any
bail bond, a person who holds an ownership interest in a restaurant
establishment where alcoholic beverages are lawfully sold incidental
to the sale of food or who is an officer, director or stockholder of
a corporation that owns or operates a restaurant where alcoholic
beverages are lawfully sold incidental to the sale of food, may be a
licensed bail bondsman. For purposes of this section, "incidental
to the sale of food" means the sale of all alcoholic beverages is
not more than fifty percent (50%) of the monthly gross sales of the

1 establishment, and "alcoholic beverages" means all beverages
2 containing more than three and two-tenths percent (3.2%) alcohol by
3 weight, and all mixed beverage coolers, as defined by Section 506 of
4 Title 37 of the Oklahoma Statutes, regardless of percent of alcohol
5 content, and all beverages containing more than one-half of one
6 percent (1/2 of 1%) alcohol by volume and not more than three and
7 two-tenths percent (3.2%) alcohol by weight.

8 B. No licensed bondsman who holds any license issued from the
9 ABLE Commission or any permit issued from any governmental
10 subdivision or who has any ownership interest, employment or
11 interest in any business identified by the provisions of paragraph
12 8, 9, 10 or 11 of Section 1315 of Title 59 of the Oklahoma Statutes
13 may execute the duties of a bondsman or have a bondsman office on
14 the premises of such establishment.

15 C. No exception authorized in this section for a licensed
16 bondsman to additionally hold a license issued by the ABLE
17 Commission or a permit issued by a governmental subdivision pursuant
18 to paragraph 8, 9, 10 or 11 of Section 1315 of Title 59 of the
19 Oklahoma Statutes shall apply to or be construed as an exception for
20 a bail enforcer.

21 D. The ABLE Commission shall be authorized to investigate all
22 provisions authorized by this section and shall certify in writing
23 to the Insurance Commissioner, upon written request, that a person
24 is eligible for an exception to the prohibitions of Section 1315 of

1 Title 59 of the Oklahoma Statutes. The ABLE Commission shall
2 immediately notify the Insurance Commissioner, in writing, if a
3 person becomes disqualified for an exception to the prohibitions of
4 paragraph 8, 9, 10 or 11 of Section 1315 of Title 59 of the Oklahoma
5 Statutes. If, after an investigation of a violation of the
6 provisions of this section, the bail bondsman is found to be
7 disqualified to be licensed as a bail bondsman, the ABLE Commission
8 shall be entitled to reimbursement for all costs, expenses and
9 attorney fees and in addition, the person shall have the bail
10 bondsman license permanently revoked by the Insurance Commissioner.

11 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1315, as
12 last amended by Section 5, Chapter 150, O.S.L. 2013 (59 O.S. Supp.
13 2014, Section 1315), is amended to read as follows:

14 Section 1315. A. The following persons or classes shall not be
15 bail bondsmen and shall not directly or indirectly receive any
16 benefits from the execution of any bail bond:

- 17 1. Persons convicted of, or who have pled guilty or nolo
18 contendere to, any felony or to a misdemeanor involving dishonesty
19 or moral turpitude;
- 20 2. Jailers;
- 21 3. Police officers;
- 22 4. Committing judges;
- 23 5. Municipal or district court judges;
- 24 6. Prisoners;

1 7. Sheriffs, deputy sheriffs and any person having the power to
2 arrest or having anything to do with the control of federal, state,
3 county or municipal prisoners;

4 8. Any person who possesses a permit pursuant to the provisions
5 of Section 163.11 of Title 37 of the Oklahoma Statutes or is an
6 officer, director or stockholder of any corporation holding such a
7 permit, except as specifically authorized for a licensed bondsman in
8 Section 1 of this act;

9 9. Any person who is an agent or owner of any establishment at
10 which low-point beer as defined by Section 163.2 of Title 37 of the
11 Oklahoma Statutes is sold for on-premises consumption, except as
12 specifically authorized for a licensed bondsman in Section 1 of this
13 act;

14 10. Any person who holds any license provided for in Section
15 518 of Title 37 of the Oklahoma Statutes or is an agent or officer
16 of any such licensee, except for an individual holding an employee
17 license pursuant to paragraph 20 of subsection A of Section 518 of
18 Title 37 of the Oklahoma Statutes or as specifically authorized for
19 a licensed bondsman in Section 1 of this act;

20 11. Any person who holds any license or permit from any city,
21 town, county, or other governmental subdivision for the operation of
22 any private club at which alcoholic beverages are consumed or
23 provided, except as specifically authorized for a licensed bondsman
24 in Section 1 of this act;

1 12. Any person or agent of a retail liquor package store; and

2 13. Any person whose bail bondsman license has been revoked by
3 the Insurance Commissioner.

4 B. This section shall not apply to a sheriff, deputy sheriff,
5 police officer, or officer of the law who is not on duty and who
6 assists in the apprehension of a defendant.

7 C. The provisions of this section shall not apply to persons
8 possessing permits or licenses pertaining to low-point beer or
9 alcoholic beverages, as defined in Sections 163.2 and 506 of Title
10 37 of the Oklahoma Statutes, which were issued prior to May 23,
11 1984. No one shall be permitted to maintain an office for
12 conducting bail bonds business where low-point beer or alcoholic
13 beverages are sold for on-premises consumption.

14 SECTION 3. This act shall become effective November 1, 2015."

15 Passed the House of Representatives the 13th day of April, 2015.

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Presiding Officer of the House of
Representatives

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20 Passed the Senate the ____ day of _____, 2015.

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23 _____
Presiding Officer of the Senate