ENGROSSED SENATE
BILL NO. 101 By: Allen of the Senate

and

Osborn and Bennett of the House

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

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 establishment, and "alcoholic beverages" means all beverages containing more than three and two-tenths percent (3.2%) alcohol by weight, and all mixed beverage coolers, as defined by Section 506 of Title 37 of the Oklahoma Statutes, regardless of percent of alcohol content, and all beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than three and two-tenths percent (3.25%) alcohol by weight.

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

C. No exception authorized in this section for a licensed bondsman to additionally hold a license issued by the ABLE Commission or a permit issued by a governmental subdivision pursuant

to paragraph 8, 9, 10 or 11 of Section 1315 of Title 59 of the Oklahoma Statutes shall apply to or be construed as an exception for a bail enforcer.

D. The ABLE Commission shall be authorized to investigate all provisions authorized by this section, and shall certify in writing to the Insurance Commission, upon written request, that a person is eligible for an exception to the prohibitions of Section 1315 of Title 59 of the Oklahoma Statutes. The ABLE Commission shall immediately notify the Insurance Commission, in writing, if a person becomes disqualified for an exception to the prohibitions of paragraph 8, 9, 10 or 11 of Section 1315 of Title 59 of the Oklahoma Statutes. The ABLE Commission may charge a reasonable fee for investigating and certifying a person eligible for licensure as a bail bondsman pursuant to this section. If, after an investigation of a violation of the provisions of this section, the bail bondsman is found to be disqualified to be licensed as a bail bondsman, the ABLE Commission shall be entitled to reimbursement for all costs, expenses and attorney fees and in addition, the person shall have the bail bondsman license permanently revoked by the Insurance Commission.

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

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

1. Persons convicted of, or who have pled guilty or nolo contendere to, any felony or to a misdemeanor involving dishonesty or moral turpitude;

2. Jailers;

3. Police officers;

4. Committing judges;

5. Municipal or district court judges;

6. Prisoners;

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 24th day of February, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House of Representatives