

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1489

By: Leewright of the Senate

and

West (Kevin) of the House

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9 An Act relating to bail bondsmen; amending 59 O.S.
10 2011, Section 1315, as last amended by Section 3,
11 Chapter 161, O.S.L. 2017 (59 O.S. Supp. 2017, Section
12 1315), which relates to persons or classes prohibited
13 as bondsmen; modifying certain eligibility; updating
14 statutory references; conforming language; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1315, as
18 last amended by Section 3, Chapter 161, O.S.L. 2017 (59 O.S. Supp.
19 2017, Section 1315), is amended to read as follows:

20 Section 1315. A. The following persons or classes shall not be
21 bail bondsmen, shall not perform the acts of a bail bondsman and
22 shall not directly or indirectly receive any benefits from the
23 execution of any bail bond:
24

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

4 2. Jailers;

5 3. Police officers;

6 4. Committing judges;

7 5. Municipal or district court judges;

8 6. Prisoners;

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

12 8. ~~Any person who possesses a permit pursuant to the provisions~~
13 ~~of Section 163.11 of Title 37 of the Oklahoma Statutes or is an~~
14 ~~officer, director or stockholder of any corporation holding such a~~
15 ~~permit, except as specifically authorized for a licensed bondsman in~~
16 ~~Section 1315.1 of this title;~~

17 9. ~~Any person who is an agent or owner of any establishment at~~
18 ~~which low-point beer as defined by Section 163.2 of Title 37 of the~~
19 ~~Oklahoma Statutes is sold for on-premises consumption, except as~~
20 ~~specifically authorized for a licensed bondsman in Section 1315.1 of~~
21 ~~this title;~~

22 10. Any person who holds any license provided for in Section
23 ~~518~~ 2-101 of Title ~~37~~ 37A of the Oklahoma Statutes or is an agent or
24 officer of any such licensee, except for an individual holding an

1 employee license pursuant to paragraph ~~20~~ 22 of subsection A of
2 Section ~~518~~ 2-101 of Title ~~37~~ 37A of the Oklahoma Statutes or as
3 specifically authorized for a licensed bondsman in Section 1315.1 of
4 this title;

5 ~~11.~~ 9. Any person who holds any license or permit from any
6 city, town, county, or other governmental subdivision for the
7 operation of any private club at which alcoholic beverages are
8 consumed or provided, except as specifically authorized for a
9 licensed bondsman in Section 1315.1 of this title;

10 ~~12.~~ 10. Any person or agent of a retail liquor package store;
11 and

12 ~~13.~~ 11. Any person whose bail bondsman license has been revoked
13 by the Insurance Commissioner.

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

17 C. The provisions of this section shall not apply to persons
18 possessing permits or licenses pertaining to ~~low-point beer or~~
19 alcoholic beverages, as defined in ~~Sections 163.2 and 506~~ Section 1-
20 103 of Title ~~37~~ 37A of the Oklahoma Statutes, which were issued
21 prior to May 23, 1984. No one shall be permitted to maintain an
22 office for conducting bail bonds business where ~~low-point beer or~~
23 alcoholic beverages are sold for on-premises consumption.

1 D. No person shall be permitted to maintain an office for
2 conducting a bail bond business where persons disqualified pursuant
3 to paragraph 1 of subsection A of this section are present, except
4 as necessary for such persons to obtain a personal bail bond.

5 E. For purposes of this section, the marriage or cohabitation
6 of a bail bond licensee or license applicant with a person
7 disqualified pursuant to ~~paragraph 1 of~~ subsection A of this section
8 does not, as a matter of fact, constitute the receipt of benefits
9 from the execution of a bail bond. In such circumstances, the
10 receipt of benefits from the execution of a bail bond shall be
11 subject to a factual determination by the Commissioner.

12 SECTION 2. This act shall become effective November 1, 2018.

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14 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 04/03/2018 - DO
15 PASS.

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