

1 IN THE HOUSE

BY MR. TAYLOR

2

HOUSE BILL NO. 169

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SECOND LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to bail bonds."

7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

9

10

11

12

13

14

15

Section 1. BAIL BOND DEFINED. As used in this Act, the term "bail bond" includes any contract, not issued by a licensed insurer in this state for the release of a person arrested or confined on account of any actual or alleged violation of the provisions of any law of this or any other state or of any municipality in the State of Alaska, whereby the attendance in court when required by law and obedience to orders and judgment of any court by the person released is guaranteed.

16

17

18

19

Sec. 2. INDIVIDUAL UNDERTAKING EXCEPTED. This Act shall not be construed to prevent any individual from writing or furnishing a bail bond if no consideration is furnished, directly or indirectly, by any person for the execution thereof.

20

21

22

23

Sec. 3. BAIL LICENSE REQUIRED. No person, association, partnership, or corporation is authorized to solicit, negotiate, or execute bail bonds unless he has received a license as provided by this Act. Bail licenses are of two types:

24

25

26

27

28

29

(1) bail bonding licenses which permit the licensee to solicit, negotiate and issue bail bonds; and

(2) bail agent's license which permits the licensee to solicit and negotiate undertakings of bail on behalf of the issuer designated in the license.

Sec. 4. BAIL LICENSES. Any person may apply to the commis-

1 sioner of commerce, in the manner prescribed by the commissioner,  
2 for a bail license. Upon receipt of the application properly  
3 filed, the commissioner shall review the application to determine  
4 the qualification of the applicant. The commissioner shall  
5 approve the application if it be determined that

6 (1) the applicant is of good business reputation and  
7 of good general reputation;

8 (2) the applicant has never been refused a license or  
9 had a license revoked by any public authority for reasons which  
10 indicated lack of honesty or integrity or which show improper  
11 business practice on the part of the applicant;

12 (3) the applicant has an understanding of the obliga-  
13 tion and duties of bail;

14 (4) the applicant has not participated in or been  
15 connected with any business transaction which, in the opinion of  
16 the commissioner, tends to show unfitness to act in a fiduciary  
17 capacity or to maintain the standards of fairness and honesty  
18 required of a trustee or other fiduciary;

19 (5) the applicant has not wilfully misstated any  
20 material fact in his application or procured a misstatement in  
21 the supporting documents thereof;

22 (6) there is no outstanding judgment against the appli-  
23 cant of conviction of a misdemeanor or felony, one of the  
24 elements of which involves a misappropriation of money or  
25 property;

26 (7) the applicant is a fit and proper person to hold  
27 the license applied for.

28 Sec. 5. BOND REQUIRED. A bail bonding license shall not be  
29 issued unless there is filed with the commissioner of the Depart-

1 ment of Commerce a bond having a surety insurer licensed to do  
2 business in this state as surety thereon in the sum of \$5,000.00,  
3 conditioned upon the proper application and disposal of all  
4 moneys collected or received by the bond licensee and his employ-  
5 ees.

6       Sec. 6. CONTENTS OF BAIL BONDING LICENSE: FEE. Upon  
7 approval of an application and the filing of a bond as prescribed,  
8 the commissioner shall issue a bail bonding license in such form  
9 as he may prescribe, but it shall contain the name of the licensee  
10 and his business address and the date of issuance and expiration.  
11 Licenses shall be issued for a period of one year. The license  
12 fee shall be \$100.00 per year.

13       Sec. 7. BAIL AGENT'S LICENSE. Any person may apply to the  
14 commissioner of commerce in the manner prescribed by the commis-  
15 sioner for a bail agent's license. The commissioner shall not  
16 issue the license unless there is filed with him

17             (1) a document executed by the insurer, authorizing  
18 the agent to solicit and negotiate bail undertakings in the in-  
19 surer's behalf, until the insurer files with the commissioner a  
20 notice of revocation of the agent's authority;

21             (2) a bond having a surety insurer licensed to do  
22 business in this state as surety thereon in the sum of \$1,000.00  
23 conditioned upon the proper application and disposal of all  
24 moneys collected or received by the bail agent and his employees.

25       Sec. 8. RIGHT OF ACTION ON BOND. Any person suffering loss  
26 or damages on account of the actions of any licensee under this  
27 Act in respect to business done or transactions occurring under  
28 or by virtue of the authority granted by the license, may bring  
29 an action against the principal and surety on any bond covering

1 the licensee or either of them in any court having jurisdiction  
2 of the amount of damages claimed.

3 Sec. 9. LICENSES NOT TRANSFERABLE. Any license obtained  
4 under this Act is not assignable or transferable.

5 Sec. 10. SUSPENSION OF LICENSE. The commissioner may sus-  
6 pend or revoke any bail license in the manner prescribed by  
7 Chapter 2 of the Administrative Procedure Act.

8 Sec. 11. RATES FOR BONDS. a. No professional bondsman may  
9 charge a premium service fee, or exact other compensation for  
10 acting as surety on any undertaking in excess of a maximum  
11 premium filed with and approved by the commissioner for a like  
12 kind and amount of bond.

13 b. In any action to recover an overcharge by a licensed  
14 bondsman, if such overcharge is proven, the licensee shall be  
15 liable to pay treble damages therefor.

16 Sec. 12. RULES AND REGULATIONS. The commissioner may pro-  
17 mulgate all rules necessary for the administration and enforce-  
18 ment of this Act subject to the provisions of the Administrative  
19 Procedure Act.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29