

SENATE BILL NO. 18—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE DIVISION OF INSURANCE OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to bail bonds.  
(BDR 57-464)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to businesses related to bail; prohibiting certain conduct by a bail enforcement agent; prohibiting the compensation of an unlicensed person for referring business related to bail to a licensed person; prohibiting the use of forms or documents by a bail agent in certain circumstances; revising provisions relating to the licensing of bail agents, bail enforcement agents, bail solicitors and general agents; revising provisions relating to bonds required to be filed by applicants for certain licenses; authorizing the Commissioner of Insurance to participate in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents; providing that a surety insurer is liable for the acts of a bail agent, bail enforcement agent or general agent acting on its behalf; revising provisions relating to the money, other valuable consideration or collateral which a surety insurer or bail agent may charge, collect or accept; revising provisions relating to the apprehension and surrender of a defendant; revising provisions relating to bail bonds; providing penalties; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

1 The Nevada Constitution generally provides a right to bail in all but certain  
2 criminal cases before conviction. (Nev. Const. Art. 1, § 7) Existing law authorizes  
3 the acceptance of a bond or undertaking for bail by one or more sureties. (NRS  
4 178.502) Existing law also prohibits a person from engaging in certain businesses  
5 relating to bail without a license. (NRS 697.090)

6 Existing law requires a bail agent, bail solicitor or general agent to file and  
7 maintain a bond against liability relating to bail bond transactions under the  
8 person's license. (NRS 697.190) **Section 25** of this bill requires that such a bond  
9 must inure to the benefit of any person damaged by the licensee or person acting on  
10 his or her behalf and revises provisions relating to the cancellation and replacement  
11 of a licensing bond.

12 **Sections 18-20** of this bill revise provisions relating to the issuance or renewal  
13 of a license as a bail agent, bail solicitor or bail enforcement agent, respectively.  
14 **Section 21** of this bill revises the training that a bail enforcement agent must  
15 receive and requires such training to be completed before a person can enter into a  
16 contract or begin employment as a bail enforcement agent. **Section 24** of this bill  
17 revises the information that must be contained in a letter submitted to the  
18 Commissioner from a local law enforcement agency by certain licensees for the  
19 renewal of a license. **Section 26** of this bill revises the circumstances under which a  
20 person whose license has lapsed is exempt from retaking the examination that  
21 would otherwise be required for the issuance of a license. **Section 27** of this bill  
22 authorizes the Commissioner to participate with the National Association of  
23 Insurance Commissioners in a centralized registry for licensing and appointment of  
24 bail agents, bail enforcement agents, bail solicitors and general agents.

25 **Section 9** of this bill prohibits certain conduct by a bail enforcement agent.  
26 **Section 15** of this bill prohibits an unlicensed person from receiving compensation  
27 for referring business to a person licensed to engage in business relating to bail.  
28 **Section 17** of this bill requires a surety insurer to receive approval from the  
29 Commissioner before allowing the use of a form or preprinted agreement and  
30 prohibits a bail agent from using a form or document not supplied by the surety  
31 insurer that appointed the bail agent. **Section 30** of this bill provides that a bail  
32 agent appointed by a surety insurer acts as an attorney-in-fact for the surety insurer  
33 and the surety insurer is liable for the acts of any bail agent, bail enforcement agent  
34 or general agent acting on its behalf. **Section 31** of this bill provides for the  
35 termination of the appointment of a bail agent by a surety insurer and of a bail  
36 solicitor by a bail agent and requires that certain information be filed with the  
37 Commissioner relating to such a termination. **Sections 31 and 45** of this bill make  
38 such information confidential. **Section 33** of this bill establishes certain  
39 requirements for bail agents. **Section 39** of this bill prohibits certain acts by  
40 licensed persons. **Section 41** of this bill revises the other provisions of the Nevada  
41 Insurance Code which apply to businesses related to bail. **Section 42** of this bill  
42 authorizes the Commissioner to take certain administrative actions for violations of  
43 law or regulation relating to businesses related to bail. **Section 7.5** of this bill  
44 authorizes the Commissioner to adopt certain regulations relating to businesses  
45 related to bail.

46 **Section 34** of this bill revises the money or other valuable consideration which  
47 may be charged or collected by a surety insurer or bail agent in connection with any  
48 bail transaction. **Section 34** also requires a surety insurer or bail agent to refund all  
49 money collected and return all collateral held for a bail transaction which is  
50 cancelled before a bail bond is accepted by a court or governmental agency.  
51 **Section 35** of this bill prohibits a licensee from charging for any service except as  
52 provided in **section 34**. **Section 36** of this bill revises provisions relating to the  
53 acceptance and holding of collateral. **Sections 37 and 38** of this bill revise



54 provisions relating to the apprehension and surrender of a defendant to the custody  
55 of a court or governmental agency.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 697 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this  
3 act.

4       **Sec. 2. 1.** *The purpose of this chapter is to ensure the*  
5 *effective regulation of bail transactions and persons who transact*  
6 *in the business of bail.*

7       **2.** *The Legislature declares that:*

8       **(a)** *Consumers of bail are vulnerable persons who are fighting*  
9 *for their rights; and*

10       **(b)** *It is the intent of the Legislature to ensure that these*  
11 *persons have access to bail bonds when they are unable to secure*  
12 *their own release through bail.*

13       **Sec. 3.** *“Bail bond” means a contract between a court or*  
14 *government agency and a surety insurer of a defendant in which*  
15 *the surety insurer guarantees the appearance of the defendant in a*  
16 *criminal proceeding to the court or government agency.*

17       **Sec. 4.** *“Bail transaction” means any undertaking,*  
18 *solicitation, inducement, negotiation or effectuation of a bail bond*  
19 *for which a fee is charged and any matters arising therefrom.*

20       **Sec. 5.** *“Collateral” means any property, including, without*  
21 *limitation, money, subject to a security interest pursuant to*  
22 *NRS 697.320.*

23       **Sec. 6.** *“Defendant” means a person:*

24       **1.** *Who is accused of a crime;*

25       **2.** *Who is the principal to a bail bond; and*

26       **3.** *Whose appearance is guaranteed by a surety insurer.*

27       **Sec. 7.** *“Surety insurer” means an entity authorized to*  
28 *transact insurance in this State pursuant to chapter 680A of NRS*  
29 *or authorized to act as a surety by the Commissioner.*

30       **Sec. 7.5.** *The Commissioner may, by regulation:*

31       **1.** *Establish the qualifications for a person to act as a surety*  
32 *for the purposes of this chapter.*

33       **2.** *Provide for the issuance of proof of licensure pursuant to*  
34 *this chapter in a form prescribed by the Commissioner.*

35       **3.** *Prohibit practices in the business of bail in addition to*  
36 *those practices prohibited by this chapter.*

37       **Sec. 8.** (Deleted by amendment.)



1       **Sec. 9. 1. When locating a defendant for the purpose of**  
2 **apprehending and surrendering the defendant, a bail enforcement**  
3 **agent shall not:**

4       **(a) Enter an inhabited dwelling or business establishment**  
5 **without reasonable, credible and demonstrable evidence that the**  
6 **defendant is immediately present;**

7       **(b) Enter an inhabited dwelling or business establishment for**  
8 **any purpose other than to locate, apprehend and surrender a**  
9 **defendant for whom a warrant has been issued or a surety has**  
10 **been given notice of a failure to appear pursuant to NRS 178.508;**

11       **(c) Enter the inhabited dwelling of a third party without the**  
12 **consent of a lawful occupant of the inhabited dwelling present at**  
13 **the time of entry;**

14       **(d) Apprehend a defendant at a business establishment without**  
15 **the consent of the business owner or an agent of the business with**  
16 **apparent authority to grant such consent;**

17       **(e) Identify or hold himself or herself out as a peace officer,**  
18 **law enforcement officer or representative of any court or**  
19 **governmental agency;**

20       **(f) Wear or use any uniform, clothing, badge or insignia that**  
21 **so closely resembles the uniform, clothing, badge or insignia of**  
22 **any city, county, state or federal law enforcement agency that it**  
23 **would suggest to an ordinary person that the bail enforcement**  
24 **agent represents or is employed by a law enforcement agency;**

25       **(g) Employ or allow any person who is not licensed as a bail**  
26 **enforcement agent pursuant to the provisions of this chapter to**  
27 **locate, apprehend or surrender the defendant;**

28       **(h) Use more force than is reasonable and necessary to carry**  
29 **out the apprehension and surrender of the defendant; or**

30       **(i) Use a weapon on a person for any purpose other than**  
31 **self-defense.**

32       **2. Unless a greater penalty is provided by statute and in**  
33 **addition to any other penalty provided in this chapter, a bail**  
34 **enforcement agent who violates any provision of this section is**  
35 **guilty of:**

36       **(a) For a first violation, a misdemeanor.**

37       **(b) For a second violation, a gross misdemeanor.**

38       **(c) For a third and each subsequent violation, a category D**  
39 **felony, and shall be punished as provided in NRS 193.130.**

40       **3. As used in this section, "inhabited dwelling" means any**  
41 **structure, building, house, room, apartment, tenement, tent,**  
42 **conveyance, vessel, boat, vehicle, house trailer, travel trailer,**  
43 **motor home or railroad car in which the owner or other lawful**  
44 **occupant resides. The term does not include a business**  
45 **establishment.**



1       **Sec. 10.** NRS 697.020 is hereby amended to read as follows:  
2       697.020 As used in this Code, unless the context otherwise  
3 requires, the words and terms defined in NRS 697.030 to 697.070,  
4 inclusive, *and sections 3 to 7, inclusive, of this act* have the  
5 meanings ascribed to them in those sections.

6       **Sec. 11.** NRS 697.030 is hereby amended to read as follows:  
7       697.030 “Bail” means a deposit made with a court or other  
8 governmental agency to secure ~~for continue~~ the release from  
9 custody and to guarantee the appearance of the defendant in a  
10 criminal proceeding ~~[. The term includes bail bonds, undertakings of~~  
11 ~~bail and any pledge or deposit of the matters described in NRS~~  
12 ~~697.320.] in accordance with the conditions and terms of release~~  
13 *established by the court or governmental agency.*

14       **Sec. 12.** NRS 697.040 is hereby amended to read as follows:  
15       697.040 “Bail agent” means any individual appointed by an  
16 authorized surety insurer by power of attorney to *act on behalf of*  
17 *the surety insurer in a bail transaction to* execute or countersign  
18 ~~undertakings of~~ a bail *bond* in connection with judicial  
19 proceedings ~~[and who receives or is promised money or other things~~  
20 ~~of value therefor.] for money or other valuable consideration~~  
21 *pursuant to NRS 697.300.*

22       **Sec. 13.** NRS 697.055 is hereby amended to read as follows:  
23       697.055 “Bail enforcement agent” means a person who ~~has~~  
24 ~~contracted~~ *contracts* with or is employed by a surety *insurer* or bail  
25 agent ~~[as a special agent]~~ to ~~enforce~~ *ensure a defendant complies*  
26 *with* the terms and conditions *established by a court or*  
27 *governmental agency* of a defendant’s release from custody on bail  
28 in a criminal proceeding ~~[.] and to locate [a defendant] and [to]~~  
29 ~~apprehend a defendant [or surrender a] for the purpose of~~  
30 *surrendering the* defendant to custody. ~~[, or both, if appropriate.]~~

31       **Sec. 14.** NRS 697.070 is hereby amended to read as follows:  
32       697.070 1. “General agent” means any individual or person  
33 appointed by ~~[an]~~ *a surety* insurer to supervise or manage the bail  
34 bond business written by bail agents of ~~[such]~~ *the surety* insurer.

35       2. A general agent shall not solicit or negotiate undertakings of  
36 bail or bail bonds unless licensed as a bail agent by this state.

37       **Sec. 15.** NRS 697.090 is hereby amended to read as follows:  
38       697.090 1. A person in this state shall not act in the capacity  
39 of a bail agent, bail enforcement agent, ~~[or]~~ bail solicitor ~~[.] or~~  
40 *general agent*, or perform any of the functions, duties or powers  
41 prescribed for a bail agent, bail enforcement agent, ~~[or]~~ bail  
42 solicitor *or general agent* under the provisions of this chapter,  
43 unless that person is qualified and licensed as provided in this  
44 chapter. The Commissioner may, after notice and opportunity to be  
45 heard, impose an administrative fine ~~[of not more than \$1,000]~~



1 *pursuant to NRS 697.370* for each act or violation of the provisions  
2 of this subsection.

3 2. ~~{A person, whether or not located in this state, shall not act  
4 as or hold himself or herself out to be a general agent unless  
5 qualified and licensed as such under the provisions of this chapter.~~

6 ~~—3.—~~ *A person who is not licensed pursuant to this chapter shall  
7 not request or accept any payment, commission or other  
8 remuneration for referring business to a person licensed pursuant  
9 to this chapter.*

10 3. For the protection of the people of this state, the  
11 Commissioner shall not issue or renew, or permit to exist, any  
12 license except in compliance with this chapter. The Commissioner  
13 shall not issue or renew, or permit to exist, a license for any person  
14 ~~{found}~~ *determined by the Commissioner* to be untrustworthy or  
15 incompetent, or who has not established to the satisfaction of the  
16 Commissioner that the person is qualified therefor in accordance  
17 with this chapter.

18 **Sec. 16.** NRS 697.100 is hereby amended to read as follows:

19 697.100 1. Except as otherwise provided in this section, no  
20 license may be issued:

21 (a) Except in compliance with this chapter.

22 (b) To a bail agent, bail enforcement agent or bail solicitor,  
23 unless he or she is a natural person.

24 2. ~~{A corporation}~~ *An entity who has been issued a state  
25 business license pursuant to chapter 76 of NRS* may be licensed as  
26 a bail agent ~~{or bail enforcement agent}~~ if:

27 (a) The ~~{corporation}~~ *entity* is owned and controlled by ~~{an} a~~  
28 *surety* insurer ; ~~{authorized to write surety in this State or a~~  
29 ~~subsidiary corporation of such an insurer.}~~ or

30 (b) Ownership and control of the ~~{corporation}~~ *entity* is retained  
31 by one or more licensed *bail* agents.

32 3. ~~{This section does not prohibit two or more licensed bail  
33 agents from entering into a partnership for the conduct of their bail  
34 business. No person may be a member of such a partnership unless  
35 the person is licensed pursuant to this chapter in the same capacity  
36 as all other members of the partnership. A limited partnership or a  
37 natural person may not have any proprietary interest, directly or  
38 indirectly, in a partnership or the conduct of business thereunder  
39 except licensed bail agents as provided in this chapter.}~~ *Except for  
40 the performance of ministerial acts, a person shall not act on  
41 behalf of a bail agent in a bail transaction unless the person is  
42 licensed as a bail agent.*



1 **Sec. 17.** NRS 697.130 is hereby amended to read as follows:

2 697.130 **1.** The Commissioner shall prescribe and furnish all  
3 forms in connection with licensing and appointments required under  
4 this chapter.

5 **2.** *A surety insurer must, before allowing the use of any form  
6 or preprinted agreement by its appointed bail agents, submit all  
7 such forms and preprinted agreements to the Commissioner for  
8 approval.*

9 **3.** *A bail agent shall not use a form or preprinted agreement  
10 unless the form or preprinted agreement is supplied by the surety  
11 insurer that appointed the bail agent.*

12 **Sec. 18.** NRS 697.150 is hereby amended to read as follows:

13 697.150 **1.** Except as otherwise provided in ~~subsection 2,~~  
14 *subsections 2 and 3*, a person ~~is entitled to~~ *may* receive, renew or  
15 hold a license as a bail agent if the person:

16 (a) Is a resident of this State and has resided in this State for not  
17 less than 1 year immediately preceding the date of the application  
18 for the license.

19 (b) Is a natural person not less than 18 years of age.

20 (c) Has been appointed as a bail agent by an authorized surety  
21 insurer, subject to the issuance of the license.

22 (d) Is competent, trustworthy and financially responsible.

23 (e) Has passed any written examination required under this  
24 chapter.

25 (f) Has filed the bond required by NRS 697.190.

26 (g) Has, on or after July 1, 1999, successfully completed ~~a 6-~~  
27 ~~hour~~ *an 18-hour* course of instruction in bail ~~bonds~~ *transactions*  
28 that is:

29 (1) Offered by a state or national organization of bail agents  
30 or another organization that administers training programs for bail  
31 agents; and

32 (2) Approved by the Commissioner.

33 **2.** ~~A person is not entitled to receive, renew or hold a license  
34 as a bail agent if the person has~~ *The Commissioner may deny an  
35 application for, refuse to renew or revoke a license as a bail agent  
36 if the applicant or licensee:*

37 (a) *Has* been convicted of, or entered a plea of guilty, guilty but  
38 mentally ill or nolo contendere to ~~for, forgery, embezzlement,  
39 obtaining money under false pretenses, larceny, extortion,  
40 conspiracy to defraud or any crime involving moral turpitude. A  
41 conviction of, or plea of guilty, guilty but mentally ill or nolo  
42 contendere by, an applicant or licensee for any crime listed in this  
43 subsection is a sufficient ground for~~ :

44 (1) *Any crime involving an act of dishonesty, a breach of*  
45 *trust or moral turpitude;*



1           (2) *A felony in this State or of any offense committed in*  
2 *another state which would be a felony if committed in this State;*  
3 *or*

4           (3) *The unlawful use, sale or possession of a controlled*  
5 *substance;*

6           (b) *Is determined by the Commissioner to ~~deny a license to the~~*  
7 *~~applicant or to suspend or revoke the license of the agent.~~ be*  
8 *untrustworthy or incompetent; or*

9           (c) *Has not established to the satisfaction of the Commissioner*  
10 *that he or she is qualified in accordance with the provisions of this*  
11 *chapter.*

12       **Sec. 19.** NRS 697.170 is hereby amended to read as follows:

13       697.170 1. Except as otherwise provided in subsection 2, a  
14 person ~~is entitled to~~ *may* receive, renew or hold a license as a bail  
15 solicitor if the person:

16       (a) Is a natural person not less than 18 years of age.

17       (b) Is a resident of this state and has resided in this state for not  
18 less than 3 months immediately preceding the date of the application  
19 for the license.

20       (c) Is the bona fide employee of a licensed bail agent as a bail  
21 solicitor, or is to be so employed subject to the issuance of the  
22 license.

23       (d) Has successfully completed a 6-hour course of instruction in  
24 bail bonds that is:

25           (1) Offered by a state or national organization of bail agents  
26 or another organization that administers training programs for bail  
27 solicitors; and

28           (2) Is approved by the Commissioner.

29       (e) Has passed any written examination required under this  
30 chapter.

31       2. ~~Except as otherwise provided in NRS 697.188, a person is~~  
32 ~~not entitled to receive, renew or hold~~ *The Commissioner may deny*  
33 *an application for, refuse to renew or revoke* a license as a bail  
34 solicitor if the ~~person;~~ *applicant or licensee:*

35       (a) Has been convicted of ~~it~~, *or entered a plea of guilty, guilty*  
36 *but mentally ill or nolo contendere to:*

37           (1) *Any crime involving an act of dishonesty, a breach of*  
38 *trust or moral turpitude;*

39           (2) *A felony in this state or of any offense committed in*  
40 *another state which would be a felony if committed in this state; or*

41           ~~(b) Has been convicted of an offense involving moral turpitude~~  
42 ~~or the~~

43           (3) *The* unlawful use, sale or possession of a controlled  
44 substance ~~it~~;





1 *(b) Is determined by the Commissioner to be untrustworthy or*  
2 *incompetent; or*

3 *(c) Has not established to the satisfaction of the Commissioner*  
4 *that he or she is qualified in accordance with the provisions of this*  
5 *chapter.*

6 **Sec. 20.** NRS 697.173 is hereby amended to read as follows:

7 697.173 1. Except as otherwise provided in subsection 2, a  
8 person ~~is entitled to~~ *may* receive, renew or hold a license as a bail  
9 enforcement agent if the person:

10 (a) Is a natural person not less than 21 years of age.

11 (b) Is a citizen of the United States or is lawfully entitled to  
12 remain and work in the United States.

13 (c) Has:

14 (1) A high school diploma;

15 (2) A general equivalency diploma or an equivalent  
16 document; or

17 (3) An equivalent education as determined by the  
18 Commissioner.

19 (d) Has complied with the requirements of subsection 4 of  
20 NRS 697.180.

21 (e) Has submitted to the Commissioner the results of an  
22 examination conducted by a psychiatrist or psychologist licensed to  
23 practice in this state which indicate that the person does not suffer  
24 from a psychological condition that would adversely affect the  
25 ability of the person to carry out his or her duties as a bail  
26 enforcement agent.

27 (f) Has passed any written examination required by this chapter.

28 (g) Submits to the Commissioner the results of a test to detect  
29 the presence of a controlled substance in the system of the person  
30 that was administered no earlier than 30 days before the date of the  
31 application for the license which do not indicate the presence of any  
32 controlled substance for which the person does not possess a current  
33 and lawful prescription issued in the name of the person.

34 (h) ~~Successfully completes~~

35 ~~(f)~~ *Has successfully completed* the training required by  
36 NRS 697.177.

37 2. ~~[A person is not entitled to receive, renew or hold]~~ *The*  
38 *Commissioner may deny an application for, refuse to renew or*  
39 *revoke a license [of] as a bail enforcement agent if the [person:]*  
40 *applicant or licensee:*

41 (a) Has been convicted of ~~[a]~~ *, or entered a plea of guilty, guilty*  
42 *but mentally ill or nolo contendere to:*

43 (1) *Any crime involving an act of dishonesty, a breach of*  
44 *trust or moral turpitude;*



1           (2) A felony in this state or of any offense committed in  
2 another state which would be a felony if committed in this state; or  
3           ~~[(b) Has been convicted of an offense involving moral turpitude~~  
4 ~~or the]~~

5           (3) *The* unlawful use, sale or possession of a controlled  
6 substance ~~+~~;

7           ***(b) Is determined by the Commissioner to be untrustworthy or***  
8 ***incompetent; or***

9           ***(c) Has not established to the satisfaction of the Commissioner***  
10 ***that he or she is qualified in accordance with the provisions of this***  
11 ***chapter.***

12       **Sec. 21.** NRS 697.177 is hereby amended to read as follows:

13       697.177 1. Except as otherwise provided in this section, an  
14 applicant for a license as a bail enforcement agent must  
15 satisfactorily complete a basic course of training for bail  
16 enforcement agents that is approved by the Commissioner.

17       2. The basic course of training must consist of at least 80 hours  
18 of training which includes instruction in:

19       (a) The following areas of the law:

20           (1) Constitutional law;

21           (2) Procedures for ~~arresting~~ ***apprehending*** defendants and  
22 surrendering defendants into custody;

23           (3) Civil liability;

24           (4) The civil rights of persons who are detained in custody;

25           (5) The use of force; and

26           (6) The history and principles of bail;

27       (b) Procedures for field operations, including, without  
28 limitation:

29           (1) Safety and survival techniques;

30           (2) Searching buildings;

31           (3) Handling persons with mental illness or who are under  
32 the influence of alcohol or a controlled substance; and

33           (4) The care and custody of prisoners;

34       (c) The skills required of bail enforcement agents, including,  
35 without limitation:

36           (1) Writing reports, completing forms and procedures for  
37 exoneration;

38           (2) Methods ~~of arrest;~~ ***for apprehending defendants;***

39           (3) Nonlethal weapons;

40           (4) The retention of weapons;

41           (5) Qualifications for the use of firearms; and

42           (6) Defensive tactics;

43       (d) Principles of investigation, including, without limitation:

44           (1) The basic principles of locating defendants who have not  
45 complied with the terms and conditions established by a court ***or***



1 *other governmental agency* for their release from custody or the  
2 terms and conditions of a contract entered into with a surety ~~†~~  
3 *insurer*; and

4 (2) Ethics; and

5 (e) The following subjects:

6 (1) Demeanor in a courtroom;

7 (2) First aid used in emergencies; and

8 (3) Cardiopulmonary resuscitation.

9 ~~†→ An applicant may complete the 80 hours of training required by  
10 this subsection by completing 16 hours of training each weekend for  
11 5 weeks.†~~

12 3. In lieu of completing the basic course of training required by  
13 subsection 1, an applicant may submit proof to the Commissioner  
14 that the applicant has completed a course of training required by a  
15 municipal, state or federal law enforcement agency or a branch of  
16 the Armed Forces to carry out the duties of a peace officer.

17 4. An applicant for a license as a bail enforcement agent must  
18 complete the training required by this section ~~†within 9 months after  
19 the date the applicant is employed by a bail agent as a bail  
20 enforcement agent. The Commissioner shall issue a temporary  
21 license to an applicant who has not completed the training if the  
22 applicant is otherwise qualified to be issued a license as a bail  
23 enforcement agent. The temporary license:~~

24 ~~—(a) Authorizes the person to whom it is issued to act as a bail  
25 enforcement agent while employed by a licensed bail agent.~~

26 ~~—(b) Is valid for 9 months or until the person to whom it is issued  
27 completes the training required by this section, whichever occurs  
28 first.~~

29 ~~—(c) May not be renewed.†~~ *before the applicant enters into a  
30 contract or begins employment with a surety insurer or with a bail  
31 agent.*

32 **Sec. 22.** NRS 697.183 is hereby amended to read as follows:

33 697.183 An application for a license as a bail agent must be  
34 accompanied by:

35 1. Proof of the completion of ~~†a 6-hour†~~ *the* course of  
36 instruction in bail ~~†bonds†~~ *transactions required by NRS 697.150*  
37 that is:

38 (a) Offered by a state or national organization of bail agents or  
39 another organization that administers training programs for bail  
40 agents; and

41 (b) Approved by the Commissioner.

42 2. A written appointment by an authorized *surety* insurer as  
43 agent for bail bonds, subject to the issuance of the license.

44 3. A letter from a local law enforcement agency in the  
45 applicant's county of residence which indicates that the applicant:



1 (a) Has not been convicted of a felony in this state or of any  
2 offense committed in another state which would be a felony if  
3 committed in this state; and

4 (b) Has not been convicted of an offense involving moral  
5 turpitude or the unlawful use, sale or possession of a controlled  
6 substance.

7 **Sec. 23.** NRS 697.184 is hereby amended to read as follows:

8 697.184 1. An application for a license as a general agent  
9 must be accompanied by:

10 (a) Proof of the completion of a 6-hour course of instruction in  
11 bail bonds that is:

12 (1) Offered by a state or national organization of bail agents  
13 or another organization that administers training programs for  
14 general agents; and

15 (2) Approved by the Commissioner.

16 (b) A written appointment by an authorized *surety* insurer as  
17 general agent, subject to the issuance of the license.

18 (c) A letter from a local law enforcement agency in the  
19 applicant's county of residence which indicates that the applicant:

20 (1) Has not been convicted of a felony in this state or of any  
21 offense committed in another state which would be a felony if  
22 committed in this state; and

23 (2) Has not been convicted of an offense involving moral  
24 turpitude or the unlawful use, sale or possession of a controlled  
25 substance.

26 (d) A copy of the contract or agreement that authorizes the  
27 general agent to act as general agent for the *surety* insurer.

28 (e) Any other information the Commissioner may require.

29 2. If the applicant for a license as a general agent is a firm or  
30 corporation, the application must include the names of the members,  
31 officers and directors and designate each natural person who is to  
32 exercise the authority granted by the license. Each person so  
33 designated must furnish information about himself or herself as  
34 though the application were for an individual license.

35 **Sec. 24.** NRS 697.188 is hereby amended to read as follows:

36 697.188 A person who is licensed as a general agent, bail agent  
37 or bail solicitor on October 1, 1997, ~~is entitled to~~ *may* renew his or  
38 her license after that date if the person is otherwise qualified to be  
39 issued such a license and submits to the Commissioner a letter from  
40 a local law enforcement agency in his or her county of residence  
41 which indicates that the person:

42 1. Has not, on or after October 1, 1997, been convicted of a  
43 felony in this state or of any offense committed in another state  
44 which would be a felony if committed in this state; ~~and~~



1 2. Has not, on or after October 1, 1997, been convicted of an  
2 offense involving moral turpitude or the unlawful use, sale or  
3 possession of a controlled substance ~~†~~; and

4 **3. *Has complied with the requirements of this chapter.***

5 **Sec. 25.** NRS 697.190 is hereby amended to read as follows:

6 697.190 1. Each applicant for a license as a bail agent, bail  
7 solicitor or general agent must file with the application, and  
8 thereafter maintain in force while so licensed, a bond in favor of the  
9 people of the State of Nevada executed by an authorized surety  
10 insurer. The bond may be continuous in form with total aggregate  
11 liability limited to payment as follows:

- 12 (a) Bail agent ..... \$25,000
- 13 (b) Bail solicitor..... 10,000
- 14 (c) General agent ..... 50,000

15 2. The bond must ~~be conditioned upon full accounting and~~  
16 ~~payment~~ *inure* to the *benefit of any* person ~~entitled thereto of~~  
17 ~~money, property~~ *damaged by any act, omission* or ~~other matters~~  
18 ~~coming into the licensee's possession through bail bond transactions~~  
19 ~~under the license.~~ *conduct of the bail agent, bail solicitor or*  
20 *general agent, any employee thereof or any independent*  
21 *contractor or assignee acting on behalf thereof.*

22 3. The bond must remain in force until released by the  
23 Commissioner, or cancelled by the surety. Without prejudice to any  
24 liability previously incurred under the bond, the surety may cancel  
25 the bond upon 30 days' advance written notice to the licensee and  
26 the Commissioner. *Upon receipt of such a notice, the*  
27 *Commissioner shall:*

28 (a) *Suspend the license of the bail agent, bail solicitor or*  
29 *general agent for whom the bond was filed without a hearing if*  
30 *the licensee fails to provide a replacement bond which meets all*  
31 *requirements of this section for the cancelled bond before the date*  
32 *of cancellation of the cancelled bond. Such a suspension is*  
33 *effective on the date of cancellation of the cancelled bond.*

34 (b) *Revoke the license of a bail agent, bail solicitor or general*  
35 *agent for whom the bond was filed unless the licensee furnishes*  
36 *an equivalent bond or a substitute form of security which is*  
37 *acceptable to the Commissioner within 30 days after the*  
38 *cancellation to replace the cancelled bond.*

39 *↪ A cancellation pursuant to this section does not affect any*  
40 *liability incurred or accrued on the bond before the cancellation.*

41 **Sec. 26.** NRS 697.205 is hereby amended to read as follows:

42 697.205 A bail agent, bail enforcement agent or bail solicitor  
43 whose license lapses is exempt from retaking the examination  
44 otherwise required under NRS 697.200 if he or she applies and is  
45 ~~relicensed~~ :



- 1 **1. Relicensed** within 6 months after the date of lapse ~~+~~; and
- 2 **2. Otherwise qualified for the issuance of the license**
- 3 **pursuant to this chapter.**

4 **Sec. 27.** NRS 697.210 is hereby amended to read as follows:

5 697.210 1. If the Commissioner finds that the application is  
6 complete, that the applicant has passed all required examinations  
7 and is otherwise qualified for the license applied for, the  
8 Commissioner ~~shall promptly~~ **may** issue the license. ~~Otherwise,~~  
9 **If** the Commissioner ~~shall refuse~~ **refuses** to issue the license ~~and~~  
10 **, the Commissioner shall** promptly notify the applicant and the  
11 appointing **surety** insurer, if the application is for a bail agent's or  
12 general agent's license, or the employer, if the application is for a  
13 **bail enforcement agent's or** bail solicitor's license, of such refusal,  
14 stating the grounds for the refusal.

15 2. All **licensing** fees required to be paid pursuant to this  
16 chapter shall be deemed earned when paid and may not be refunded.

17 **3. The Commissioner may participate with the National**  
18 **Association of Insurance Commissioners, or a subsidiary thereof,**  
19 **in a centralized registry in which the licensing and appointment of**  
20 **bail agents, bail enforcement agents, bail solicitors and general**  
21 **agents may be processed for all states that require licensing and**  
22 **participate in the registry. If the Commissioner finds that**  
23 **participation is in the public interest, the Commissioner may adopt**  
24 **by regulation any requirements for participation, including,**  
25 **without limitation, any centralized collection of fees for licensing**  
26 **and appointment through the use of the registry.**

27 **Sec. 28.** (Deleted by amendment.)

28 **Sec. 29.** NRS 697.230 is hereby amended to read as follows:

29 697.230 1. ~~Except as otherwise provided in NRS 697.177,~~  
30 ~~each~~ **Each** license issued ~~to a general agent, bail agent, bail~~  
31 ~~enforcement agent or bail solicitor~~ under this chapter continues in  
32 force for 3 years unless it is suspended, revoked or otherwise  
33 terminated. A license may be renewed **if the licensee is qualified as**  
34 **provided in this chapter** upon payment of all applicable fees for  
35 renewal to the Commissioner on or before the last day of the month  
36 in which the license is renewable. All applicable fees must be  
37 accompanied by:

38 (a) Proof that the licensee has completed a 3-hour program of  
39 continuing education that is:

40 (1) Offered by the authorized surety insurer from whom the  
41 licensee received written appointment, if any, a state or national  
42 organization of bail agents or another organization that administers  
43 training programs for general agents, bail agents, bail enforcement  
44 agents or bail solicitors; and

45 (2) Approved by the Commissioner;



1 (b) If the licensee is a natural person, the statement required  
2 pursuant to NRS 697.181; and

3 (c) A written request for renewal of the license. The request  
4 must be made and signed:

5 (1) By the licensee in the case of the renewal of a license as a  
6 general agent, bail enforcement agent or bail agent.

7 (2) By the bail solicitor and the bail agent who employs the  
8 solicitor in the case of the renewal of a license as a bail solicitor.

9 2. ~~Any~~ *Except as otherwise provided in subsection 3, any*  
10 license that is not renewed on or before the last day specified for its  
11 renewal expires at midnight on that day. The Commissioner may  
12 accept a request for renewal received by the Commissioner within  
13 30 days after the date of expiration if the request is accompanied by  
14 a fee for renewal of 150 percent of all applicable fees otherwise  
15 required, except for any fee required pursuant to NRS 680C.110,  
16 and, if the person requesting renewal is a natural person, the  
17 statement required pursuant to NRS 697.181.

18 3. *A licensee who is unable to renew his or her license*  
19 *because of military service, extended disability or any other*  
20 *extenuating circumstance specified by the Commissioner may*  
21 *request a waiver of the provisions of subsection 2 and of any*  
22 *administrative fine imposed because of his or her failure to renew*  
23 *the license.*

24 4. A bail agent's license continues in force ~~while~~ *as provided*  
25 *in subsection 1 if there is in effect* an appointment of ~~him or her~~  
26 *the licensee* as a bail agent of one or more authorized *surety*  
27 insurers ~~It is in effect~~. Upon termination of all the bail agent's  
28 appointments and the bail agent's failure to replace any appointment  
29 within 30 days thereafter, the bail agent's license expires and the  
30 bail agent shall promptly deliver his or her license to the  
31 Commissioner.

32 ~~It~~ 5. The Commissioner shall terminate the license of a  
33 general agent for a particular *surety* insurer upon a written request  
34 by the *surety* insurer.

35 ~~5.—This section does not apply to temporary licenses issued~~  
36 ~~under NRS 683A.311 or 697.177.~~

37 **Sec. 30.** NRS 697.240 is hereby amended to read as follows:

38 697.240 1. Each *surety* insurer appointing a bail agent shall  
39 file with the Commissioner a written appointment and pay the  
40 applicable fee for the appointment.

41 2. Each appointment remains in effect until the bail agent's  
42 license is revoked or otherwise terminated, ~~for there is~~ an earlier  
43 termination of the appointment ~~It~~ *occurs or, if the written*  
44 *appointment provides a date for its expiration, the written*  
45 *appointment expires.*



1 3. ~~No insurer may appoint a bail agent whose contingent~~  
2 ~~liability exceeds an amount equal to 10 times his or her reserve~~  
3 ~~account unless the appointment is first approved by the~~  
4 ~~Commissioner.~~ *A bail agent appointed by a surety insurer acts as*  
5 *an attorney-in-fact for the surety insurer for a bail transaction.*

6 4. *A surety insurer is liable for the acts of any appointed bail*  
7 *agent, bail enforcement agent and general agent acting on its*  
8 *behalf.*

9 **Sec. 31.** NRS 697.250 is hereby amended to read as follows:

10 697.250 1. ~~An~~ *A surety* insurer may terminate ~~an~~ *its*  
11 *appointment of a bail agent* at any time. The *surety* insurer shall  
12 promptly give written notice of *the* termination and the effective  
13 date thereof to the Commissioner, on forms furnished by the  
14 Commissioner, and to the bail agent if reasonably possible. The  
15 Commissioner may require of the *surety* insurer reasonable proof  
16 that the *surety* insurer has also given such a notice to the *bail* agent  
17 if reasonably possible.

18 2. Accompanying each notice of termination given to the  
19 Commissioner, the *surety* insurer shall file with the Commissioner a  
20 statement of the cause, if any, for the termination. Any information  
21 or documents so disclosed to the Commissioner ~~shall be deemed an~~  
22 ~~absolutely privileged communication,~~ *are confidential*, and the  
23 information or documents are not admissible as evidence in any  
24 action or proceedings unless their use as evidence is permitted by  
25 the *surety* insurer in writing.

26 3. A bail agent terminating the ~~appointment and license as~~  
27 ~~such~~ *employment* of a bail solicitor shall give notice of *the*  
28 termination in the manner prescribed by subsections 1 and 2. Any  
29 information or documents disclosed to the Commissioner ~~shall be~~  
30 ~~deemed an absolutely privileged communication, unless the~~  
31 ~~privilege~~ *are confidential, unless confidentiality* is waived in  
32 writing by the bail agent.

33 4. No agreement between ~~an~~ *a surety* insurer and a bail agent  
34 ~~for between an employing bail agent and a licensed bail solicitor~~  
35 ~~affects the Commissioner's~~ *affects the expiration of the bail*  
36 *agent's license based on the* termination of *all of* the ~~appointment~~  
37 ~~or license if the termination is requested by the insurer or the~~  
38 ~~employing bail agent, as the case may be.~~ *appointments of the bail*  
39 *agent.*

40 **Sec. 32.** (Deleted by amendment.)

41 **Sec. 33.** NRS 697.280 is hereby amended to read as follows:

42 697.280 1. Every bail agent shall have and maintain in this  
43 state a place of business accessible to the public, wherein the  
44 licensee ~~principally~~ conducts transactions under his or her license.  
45 The address of the ~~principal~~ place of business of the licensee must





1 appear upon the application for a license and upon the license, when  
2 issued, and the licensee shall promptly notify the Commissioner of  
3 any change in that address. This subsection does not prohibit a  
4 licensee from conducting business in his or her residence in this  
5 state.

6 2. The licenses of the licensee, and ~~those of~~ *all* others  
7 employed by the licensee, ~~and~~ the fees charged for services  
8 rendered *and a statement of consumer rights* must be  
9 conspicuously displayed in the ~~principal~~ place of business of the  
10 licensee in a part or area customarily open to the public. *The*  
11 *licensee shall provide a copy of the statement of consumer rights*  
12 *to each principal and indemnitor. The Commissioner shall adopt*  
13 *regulations which establish the statement of consumer rights*  
14 *required to be displayed and provided to each principal and*  
15 *indemnitor by this subsection.*

16 3. *In addition to providing copies of all approved agreements*  
17 *and forms pursuant to NRS 697.130, a bail agent shall provide to*  
18 *a defendant and any other party to a bail transaction, in writing,*  
19 *the name and contact information of the surety insurer issuing the*  
20 *bail bond in the transaction.*

21 4. The bail agent shall keep at his or her ~~principal~~ place of  
22 business the records required under NRS 697.290.

23 5. *Only one fictitious name may be established under a bail*  
24 *agent's license. The fictitious name must be registered with and*  
25 *approved by the Division.*

26 **Sec. 34.** NRS 697.300 is hereby amended to read as follows:

27 697.300 1. A *surety insurer or* bail agent shall not, in any  
28 bail transaction or in connection therewith, directly or indirectly,  
29 charge or ~~collect~~ *accept* money or other valuable consideration  
30 ~~from any person~~ except for the following purposes:

31 (a) To pay the ~~premium at the rates established by the insurer,~~  
32 ~~in accordance with chapter 686B of NRS, or to pay the charges for~~  
33 ~~the bail bond filed in connection with the transaction at the rates~~  
34 ~~filed in accordance with the provisions of this Code. The rates must~~  
35 ~~be~~ *one-time charge of* 15 percent of the amount of the *bail* bond or  
36 \$50, whichever is greater ~~+~~ , *for a bail bond executed and*  
37 *accepted by a court or governmental agency.*

38 (b) ~~To provide collateral.~~

39 ~~—(c) To reimburse himself or herself for~~ *For* actual expenses  
40 incurred in ~~connection with~~ the *bail* transaction. Such expenses are  
41 limited to:

42 (1) Guard fees.

43 (2) Notary public fees, recording fees, expenses incurred for  
44 necessary long distance telephone calls and charges for telegrams.



1 (3) Travel expenses incurred more than 25 miles from the  
2 *bail* agent's ~~principal~~ place of business. Such expenses:

3 (I) May be billed at the rate provided for state officers and  
4 employees generally; and

5 (II) May not be charged in areas where bail agents  
6 advertise a local telephone number.

7 (4) Expenses incurred to verify underwriting information.

8 (5) ~~Any~~ *Court fees associated with the filing of the bail*  
9 *bond.*

10 (c) *For* other actual ~~expenditure necessary to the transaction~~  
11 ~~which is not usually and customarily incurred in connection with~~  
12 ~~bail transactions.~~

13 ~~—(d) To reimburse himself or herself, or have a right of action~~  
14 ~~against the principal or any indemnitor, for actual expenses incurred~~  
15 ~~in good faith, by reason of breach by the defendant of any of the~~  
16 ~~terms of any of the terms of the written agreement under which and~~  
17 ~~pursuant to which the undertaking of bail or bail bond was written.~~  
18 ~~If there is no written agreement, or an incomplete writing, the surety~~  
19 ~~may, at law, enforce its equitable rights against the principal and his~~  
20 ~~or her indemnitors, in exoneration. Such reimbursement or right of~~  
21 ~~action must not exceed the principal sum of the bond or~~  
22 ~~undertaking, plus any reasonable expenses that may be verified by~~  
23 ~~receipt in a total amount of not more than the principal sum of the~~  
24 ~~bond or undertaking, incurred in good faith by the surety, its agents,~~  
25 ~~licensees and employees by reason of the principal's breach.~~

26 ~~—2.— This section does not prevent the full and unlimited right of~~  
27 ~~a bail agent to execute undertaking of bail on behalf of a nonresident~~  
28 ~~agent of the surety he or she represents. The licensed resident bail~~  
29 ~~agent is entitled to a minimum countersignature fee of \$5, with a~~  
30 ~~maximum countersignature fee of \$100, plus expenses incurred in~~  
31 ~~accordance with paragraphs (c) and (d) of subsection 1. Such~~  
32 ~~countersignature fees may be charged in addition to the premium of~~  
33 ~~the undertaking.] expenses authorized by the Commissioner by~~  
34 ~~regulation.~~

35 2. *At any time before a bail bond is accepted by a court or*  
36 *governmental agency, the bail transaction may be cancelled by*  
37 *any party to the bail transaction.*

38 3. *If a defendant is not released from custody, including,*  
39 *without limitation, as a result of a hold imposed by a court or*  
40 *governmental agency, a bail transaction involving the defendant is*  
41 *deemed to be cancelled.*

42 4. *If a bail transaction is cancelled or a defendant is located,*  
43 *apprehended or surrendered in violation of section 9 of this act,*  
44 *the surety insurer or bail agent must refund all money and return*  
45 *all collateral held pursuant to NRS 697.320 in full by the end of*



\* S B 1 8 R 1 \*

1 *the 10th business day after the cancellation. The surety insurer or*  
2 *bail agent shall pay interest on any money or collateral not*  
3 *returned within the period set forth in this subsection.*

4 **Sec. 35.** NRS 697.310 is hereby amended to read as follows:

5 697.310 Except to the extent permitted by ~~{paragraphs (e) and~~  
6 ~~(d) of subsection 1 and subsection 2 of}~~ NRS 697.300, a licensee  
7 shall not ~~{make any}~~ charge for ~~{the}~~ *any* services . ~~{of the licensee~~  
8 ~~in a bail transaction in addition to the premium or the charge for a~~  
9 ~~bail bond at the rates filed in accordance with the provisions of this~~  
10 ~~Code.}~~

11 **Sec. 36.** NRS 697.320 is hereby amended to read as follows:

12 697.320 1. A bail agent may accept *property as* collateral  
13 *solely as* security ~~{in connection with}~~ *for* a bail ~~{transaction}~~ *bond*  
14 if the *property offered as* collateral ~~{security}~~ is reasonable in  
15 relation to the face amount of the *bail* bond. The bail agent shall not  
16 transfer the collateral to any person other than a bail agent licensed  
17 pursuant to this chapter or a surety insurer holding a valid certificate  
18 of authority issued by the Commissioner. The collateral must not be  
19 transported or otherwise removed from this state. ~~{Any person who~~  
20 ~~receives the collateral:~~

21 ~~—(a) Shall be deemed to hold the collateral} *The collateral must*~~  
22 ~~*be:*~~

23 ~~(a) Described with specificity in a written receipt signed by the~~  
24 ~~surety insurer or bail agent and the depositor at the time the~~  
25 ~~collateral is accepted;~~

26 ~~(b) Held in a fiduciary capacity {to the same extent as a bail~~  
27 ~~agent; and~~

28 ~~—(b) Shall retain, return} ;~~

29 ~~(c) Held, returned and otherwise {possess the collateral}~~  
30 ~~possessed in accordance with the provisions of this chapter {;} and~~

31 ~~(d) Insured by the surety insurer or bail agent who has~~  
32 ~~physical possession of the collateral, at the expense of the surety~~  
33 ~~insurer or bail agent, to the benefit of the principal or indemnitor.~~

34 2. ~~{The collateral security must be received by the bail agent in~~  
35 ~~his or her fiduciary capacity, and before any forfeiture of bail} *Any*~~  
36 ~~*collateral in connection with a bail transaction for which the bail*~~  
37 ~~*agent does not take possession is governed by chapter 104 of NRS*~~  
38 ~~*and any other applicable laws.*~~

39 3. *Any collateral specified in subsection 1* must be kept  
40 separate and apart from any other funds or assets of the ~~{licensee.}~~  
41 *surety insurer or bail agent.* Any *security interest in* collateral  
42 ~~{received must be returned to the person who deposited it with the~~  
43 ~~bail agent or any assignee other than the bail agent} *terminates* as  
44 soon as the obligation, the satisfaction of which was secured by the  
45 collateral, is discharged ~~{and all fees owed to the bail agent have~~~~



1 ~~been paid. The bail agent or any surety insurer having custody of the~~  
2 ~~collateral shall, immediately after the bail agent or surety insurer~~  
3 ~~receives a request for return of the collateral from the person who~~  
4 ~~deposited the collateral, determine whether the bail agent or surety~~  
5 ~~insurer has received notice that the obligation is discharged. If the~~  
6 ~~or the bail transaction is cancelled pursuant to NRS 697.300. Any~~  
7 ~~collateral [is deposited to secure the obligation of a bond, it] must be~~  
8 ~~returned [immediately] within 10 days after the obligation is~~  
9 ~~discharged or~~ after receipt of ~~the~~ **a written** request for return of  
10 the collateral, ~~and notice of the entry of any order by an authorized~~  
11 ~~official by virtue of which liability under the bond is terminated or~~  
12 ~~upon payment of all fees owed to the bail agent,] whichever is [later.~~  
13 ~~A certified copy of the minute order from the court wherein the bail~~  
14 ~~or undertaking was ordered exonerated shall be deemed prima facie~~  
15 ~~evidence of exoneration or termination of liability.]~~

16 ~~[3. If a bail agent receives as collateral in a bail transaction,~~  
17 ~~whether on the bail agent's or another person's behalf, any~~  
18 ~~document conveying title to real property, the bail agent shall not~~  
19 ~~accept the document unless it indicates on its face that it is executed~~  
20 ~~as part of a security transaction. If the document is recorded, the bail~~  
21 ~~agent or any surety insurer having possession of the document shall,~~  
22 ~~immediately after the bail agent or surety insurer receives a request~~  
23 ~~for return of the collateral from the person who executed the~~  
24 ~~document:~~

25 ~~—(a) Determine whether the bail agent or surety insurer has~~  
26 ~~received notice that the obligation for which the document was~~  
27 ~~accepted is discharged; and~~

28 ~~—(b) If the obligation has been discharged, reconvey the real~~  
29 ~~property by delivering a deed or other document of conveyance to~~  
30 ~~the person or to the heirs of the person, legal representative or~~  
31 ~~successor in interest. The deed or other document of conveyance~~  
32 ~~must be prepared in such a manner that it may be recorded.] earlier.~~

33 **4. If a judgment of default on an order of forfeiture is entered**  
34 **by a court against the surety insurer pursuant to NRS 178.514,**  
35 **and payment of the forfeited bond is collected by the court or**  
36 **governmental agency, the surety insurer or bail agent may**  
37 **reimburse itself from the collateral received in a bail transaction**  
38 **for the amount forfeited to the court or governmental agency. If**  
39 **the [amount] value of [any] the collateral [received in a bail**  
40 **transaction] exceeds the amount of [any bail forfeited by the**  
41 **defendant for whom the collateral was accepted, the bail agent or**  
42 **any surety insurer having custody of the collateral shall,**  
43 **immediately after the bail is forfeited,] the judgment, the surety**  
44 **insurer or bail agent shall, within 10 days,** return to the person who  
45 deposited the collateral the amount by which the collateral exceeds



1 the amount of the bail forfeited. ~~Any collateral returned to a person~~  
2 ~~pursuant to this subsection is subject to a claim for fees, if any,~~  
3 ~~owed to the bail agent returning the collateral.~~

4 5. If a bail agent accepts *physical possession of* collateral, the  
5 bail agent shall *immediately* give a written receipt for the collateral.  
6 The receipt must include in detail a full account of the collateral  
7 received ~~+~~, *including, without limitation, the reasonable value*  
8 *and physical location of the collateral.*

9 **Sec. 37.** NRS 697.325 is hereby amended to read as follows:

10 697.325 1. *A surety insurer or bail agent may, at any time*  
11 *before the surety insurer is discharged from its obligation to the*  
12 *court or governmental agency, authorize the defendant to be*  
13 *apprehended and surrendered to the custody of the court or*  
14 *governmental agency by a bail enforcement agent pursuant to*  
15 *section 9 of this act. Before authorizing the defendant to be*  
16 *apprehended, the surety insurer or bail agent must provide to the*  
17 *bail enforcement agent:*

18 (a) *Written authorization to apprehend and surrender the*  
19 *defendant indicating the reason for his or her apprehension and*  
20 *surrender; and*

21 (b) *A copy of the bail bond.*

22 2. *A surety insurer or bail agent may not employ or contract*  
23 *with a bail enforcement agent for any purpose other than to*  
24 *apprehend and surrender the defendant to a court or*  
25 *governmental agency.*

26 3. *A bail enforcement agent may not apprehend a defendant*  
27 *for any purpose other than to surrender the defendant to a court*  
28 *or governmental agency pursuant to this chapter.*

29 4. After apprehending a defendant in this state, a ~~bail agent or~~  
30 bail enforcement agent shall, immediately or without undue delay,  
31 notify in person or by telephone the local law enforcement agency  
32 of the jurisdiction in which the defendant was apprehended of:

33 (a) The identity of the defendant;

34 (b) The identity of the bail ~~agent or bail~~ enforcement agent ~~;~~  
35 and *the surety insurer and bail agent authorizing the surrender of*  
36 *the defendant; and*

37 (c) Where the ~~bail agent or~~ bail enforcement agent is taking the  
38 defendant to surrender the defendant into custody.

39 ~~2. Before forcibly entering an inhabited dwelling~~

40 5. *After apprehending a defendant* in this state, a ~~bail agent~~  
41 ~~or~~ bail enforcement agent shall ~~notify the local law enforcement~~  
42 ~~agency of the jurisdiction in which the dwelling is located.~~

43 ~~3. A bail agent or bail enforcement agent who violates the~~  
44 ~~provisions of this section is guilty of a misdemeanor.~~



1 ~~4. As used in this section, "inhabited dwelling" means any~~  
2 ~~structure, building, house, room, apartment, tenement, tent,~~  
3 ~~conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor~~  
4 ~~home or railroad car in which the owner or other lawful occupant~~  
5 ~~resides.] , without undue delay, transport the defendant to the~~  
6 ~~nearest jail or facility of a law enforcement agency or arrange for~~  
7 ~~the transport of the defendant by the appropriate law enforcement~~  
8 ~~agency.~~

9 *6. A copy of all documents provided to a law enforcement*  
10 *agency or other governmental agency must be filed by the bail*  
11 *enforcement agent with the Commissioner of Insurance within 10*  
12 *days after the surrender, together with a statement concerning the*  
13 *surrender which includes, without limitation, the information*  
14 *required on Form M-8C, available from the Commissioner of*  
15 *Insurance.*

16 *7. A bail enforcement agent who apprehends a defendant in*  
17 *this State or any other jurisdiction acts on behalf of the surety*  
18 *insurer and bail agent and is not acting for or on behalf of this*  
19 *State or any of its political subdivisions.*

20 **Sec. 38.** NRS 697.330 is hereby amended to read as follows:

21 697.330 ~~[If a bail agent or bail solicitor, without good cause,~~  
22 ~~surrenders a defendant to custody before the time specified in the~~  
23 ~~undertaking of bail or the bail bond for the appearance of~~  
24 ~~the defendant, or before any other occasion where the presence of~~  
25 ~~the defendant in court is lawfully required, the premium is~~  
26 ~~returnable in full.]~~

27 *1. If a defendant is apprehended or surrendered to a court*  
28 *without written authorization or good cause, the bail transaction is*  
29 *deemed to be cancelled and the premium and any associated*  
30 *collateral must be returned in full.*

31 *2. A surety insurer or bail agent on whose authorization a*  
32 *bail enforcement agent apprehends and surrenders a defendant is*  
33 *liable for any act or omission of the bail enforcement agent in*  
34 *apprehending and surrendering the defendant.*

35 **Sec. 39.** NRS 697.340 is hereby amended to read as follows:

36 697.340 1. A bail agent, general agent or bail solicitor shall  
37 not:

38 (a) Suggest or advise the employment of or name for  
39 employment any particular attorney to represent his or her principal.

40 (b) Solicit business in or about any place where prisoners are  
41 confined or in or about any court.

42 (c) Pay a fee or rebate or give or promise anything of value to  
43 any person in order to secure a settlement, compromise, remission  
44 or reduction of the amount of any undertaking or bail bond.



1 (d) Pay a fee or rebate or give anything of value to an attorney in  
2 bail bond matters, except for legal services *not related to a*  
3 *defendant and* actually rendered.

4 (e) Pay a fee or rebate or give or promise anything of value to  
5 the principal or anyone in his or her behalf.

6 (f) Participate ~~in the capacity of~~ *as* an attorney at a trial or  
7 hearing of a ~~person on~~ *defendant* whose *bail* bond ~~the~~ *is*  
8 *executed by a* bail agent ~~general agent or bail solicitor is surety,~~  
9 *or on behalf of a surety insurer with whom the bail agent, general*  
10 *agent or bail solicitor is associated,* except for the purposes of  
11 surrendering the defendant, making motions to set aside orders of  
12 bail forfeitures and motions to exonerate bails and protecting his or  
13 her financial interest in ~~such~~ a bond.

14 (g) *Allow an attorney or paralegal to advertise his or her*  
15 *services through the bail agent, general agent or bail solicitor or*  
16 *through his or her place of business.*

17 (h) *Pay any referral fee or commission to a person not licensed*  
18 *pursuant to this chapter.*

19 (i) *Use any form or preprinted agreement that has not been*  
20 *approved for use by the Commissioner pursuant to NRS 697.130.*

21 (j) *Except as authorized by this chapter, use any form or*  
22 *document, including, without limitation, an agreement, power of*  
23 *attorney, authorization, waiver or promissory note, that gives a*  
24 *bail agent, bail enforcement agent, bail solicitor or general agent*  
25 *authority over a person's finances, real property, personal*  
26 *property or other assets, or that otherwise creates a conflict of*  
27 *interest with the licensee's fiduciary obligation to the defendant or*  
28 *indemnitor of the bail transaction.*

29 (k) *Initiate contact with, or otherwise solicit business from,*  
30 *any relative or friend of a person who is in jail or by using an*  
31 *arrest list.*

32 (l) *Seek or accept a charge for renewal of a bail bond that has*  
33 *already been executed.*

34 (m) *Finance or charge a fee or interest for the one-time*  
35 *charge of 15 percent of the amount of the bail bond or \$50,*  
36 *whichever is greater, pursuant to paragraph (a) of subsection 1 of*  
37 *NRS 697.300.*

38 2. The following persons may not be bail agents, bail  
39 enforcement agents, ~~or~~ bail solicitors *or general agents* and shall  
40 not, directly or indirectly, receive any benefits from the execution of  
41 any bail bond:

- 42 (a) Jailers;  
43 (b) Police officers;  
44 (c) Justices of the peace;  
45 (d) Municipal judges;



1 (e) Sheriffs, deputy sheriffs and constables;  
2 (f) Any person having the power to arrest or having anything to  
3 do with the control of federal, state, county or municipal prisoners;  
4 and

5 (g) Trustees or prisoners incarcerated in any jail, prison or any  
6 other place used for the incarceration of persons.

7 3. *Only a bail agent appointed by a surety insurer may sign a*  
8 *bail bond on behalf of the surety insurer. A bail bond may be*  
9 *signed only at the time the bail bond is executed.* A bail agent shall  
10 not sign ~~for countersign~~ in blank any *bail* bond, or ~~give~~ *assign* the  
11 power of attorney *issued by the surety insurer to* ~~the~~ *bail agent,*  
12 or otherwise authorize ~~the~~ anyone to ~~countersign~~ *sign* the name of  
13 the bail agent to *bail* bonds . ~~unless the person so authorized is a~~  
14 ~~licensed agent directly employed by the agent giving the power of~~  
15 ~~attorney.~~

16 4. A bail agent, bail enforcement agent, bail solicitor or general  
17 agent shall not advertise or hold himself or herself out to be a surety  
18 ~~insurance company~~ *insurer.*

19 5. *A bail agent, bail solicitor or general agent shall not*  
20 *participate in the apprehension or surrender of a defendant other*  
21 *than to execute any required forms and documents related to the*  
22 *apprehension and surrender of the defendant.*

23 6. *A bail agent must execute the bail bond with the court or*  
24 *governmental agency within 3 business days after a bail*  
25 *transaction is executed with the indemnitor.*

26 **Sec. 40.** NRS 697.350 is hereby amended to read as follows:  
27 697.350 A bail agent shall justify the suretyship of the bail  
28 agent by attaching a copy of the power of attorney issued to the bail  
29 agent by the surety insurer to each *bail* bond.

30 **Sec. 41.** NRS 697.360 is hereby amended to read as follows:  
31 697.360 Licensed bail agents, bail solicitors and bail  
32 enforcement agents, and general agents are also subject to the  
33 following provisions of this Code, to the extent reasonably  
34 applicable:

- 35 1. Chapter 679A of NRS.
- 36 2. Chapter 679B of NRS.
- 37 3. NRS 683A.261.
- 38 4. NRS 683A.301.
- 39 5. ~~NRS 683A.311.~~
- 40 ~~6.~~ NRS 683A.331.
- 41 ~~7.~~ 6. NRS 683A.341.
- 42 ~~8.~~ 7. NRS 683A.361.
- 43 ~~9.~~ 8. NRS 683A.400.
- 44 ~~10.~~ 9. NRS 683A.451.
- 45 ~~11.~~ 10. NRS 683A.461.





~~11.~~ 11. NRS 683A.480.

~~12.~~ 12. NRS 683A.500.

~~13.~~ 13. NRS 683A.520.

~~14.~~ 14. NRS 686A.010 to 686A.310, inclusive.

**15. NRS 686A.330 to 686A.520, inclusive.**

**Sec. 42.** NRS 697.370 is hereby amended to read as follows:

697.370 1. *The Commissioner may take administrative action for a violation of any provision of this chapter and any regulations adopted pursuant thereto, including, without limitation, placing a licensee on probation, suspending or revoking a license, imposing an administrative fine of not more than \$10,000 for each violation and ordering restitution for any money or property improperly received, obtained or held as a result of such a violation.*

2. The Commissioner may inform the appropriate district attorney of any violation of any provision of this chapter.

~~2.~~ 3. In addition to any other penalty provided in this chapter any person violating any provision of this chapter is guilty of a misdemeanor.

4. *A person aggrieved by any act of the Commissioner may request a hearing pursuant to NRS 679B.310.*

**Sec. 42.5.** Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

*A bail agent shall not act as an attorney-in-fact for a surety insurer, as defined in section 7 of this act, on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the bail agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each surety insurer, as defined in section 7 of this act, which the bail agent represents as bail agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the bail agent is licensed by the Commissioner.*

**Sec. 43.** NRS 178.504 is hereby amended to read as follows:

178.504 1. Every surety, except a ~~corporate surety which is approved insurer,~~ *surety insurer as provided by law,* defined in section 7 of this act, shall justify by affidavit and may be required to describe in the affidavit:

(a) The property by which the surety proposes to justify and the encumbrances thereon;

(b) The number and amount of other bonds and undertakings for bail entered into by the surety and remaining undischarged; and



1 (c) All other liabilities.

2 2. No *bail* bond shall be approved unless the surety thereon  
3 appears to be qualified.

4 3. A ~~corporate~~ surety ~~that is authorized to transact insurance~~  
5 ~~in this State pursuant to chapter 680A of NRS~~ *insurer, as defined*  
6 *in section 7 of this act*, is a sufficient surety for all courts and shall  
7 be deemed to be qualified for purposes of this section.

8 **Sec. 44.** NRS 178.526 is hereby amended to read as follows:

9 178.526 1. For the purpose of surrendering a defendant, a  
10 surety ~~is~~ *insurer or bail agent*, at any time before the surety *insurer*  
11 is finally discharged, and at any place within this State, may, by ~~the~~

12 ~~(a) Written~~ *written* authorization for the ~~arrest~~ *apprehension*  
13 of the defendant *indicating the reason for apprehension* attached to  
14 a copy of the ~~undertaking; or~~

15 ~~(b) A written authority endorsed on a certified copy of the~~  
16 ~~undertaking;~~

17 ~~is~~ *bail bond*, cause the defendant to be ~~arrested~~ *apprehended* by  
18 a ~~bail agent or~~ bail enforcement agent who is licensed pursuant to  
19 chapter 697 of NRS.

20 2. A bail ~~agent or bail~~ enforcement agent who ~~arrests~~  
21 *apprehends* a defendant in this State or any other jurisdiction is not  
22 acting for or on behalf of this State or any of its political  
23 subdivisions.

24 **Sec. 45.** NRS 239.010 is hereby amended to read as follows:

25 239.010 1. Except as otherwise provided in this section and  
26 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,  
27 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,  
28 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,  
29 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,  
30 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,  
31 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
32 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,  
33 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,  
34 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,  
35 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
36 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
37 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
38 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
39 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
40 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
41 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
42 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
43 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
44 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
45 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,



1 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
2 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
3 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
4 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
5 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
6 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
7 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,  
8 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
9 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
10 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,  
11 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,  
12 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,  
13 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,  
14 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
15 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,  
16 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,  
17 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,  
18 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,  
19 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,  
20 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,  
21 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,  
22 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,  
23 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,  
24 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
25 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
26 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,  
27 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,  
28 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665,  
29 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,  
30 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,  
31 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
32 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
33 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
34 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,  
35 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
36 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
37 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
38 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
39 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
40 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
41 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
42 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
43 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
44 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
45 696B.550, **697.250**, 703.196, 704B.320, 704B.325, 706.1725,



1 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478,  
2 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
3 Nevada 2013 and unless otherwise declared by law to be  
4 confidential, all public books and public records of a governmental  
5 entity must be open at all times during office hours to inspection by  
6 any person, and may be fully copied or an abstract or memorandum  
7 may be prepared from those public books and public records. Any  
8 such copies, abstracts or memoranda may be used to supply the  
9 general public with copies, abstracts or memoranda of the records or  
10 may be used in any other way to the advantage of the governmental  
11 entity or of the general public. This section does not supersede or in  
12 any manner affect the federal laws governing copyrights or enlarge,  
13 diminish or affect in any other manner the rights of a person in any  
14 written book or record which is copyrighted pursuant to federal law.

15 2. A governmental entity may not reject a book or record  
16 which is copyrighted solely because it is copyrighted.

17 3. A governmental entity that has legal custody or control of a  
18 public book or record shall not deny a request made pursuant to  
19 subsection 1 to inspect or copy or receive a copy of a public book or  
20 record on the basis that the requested public book or record contains  
21 information that is confidential if the governmental entity can  
22 redact, delete, conceal or separate the confidential information from  
23 the information included in the public book or record that is not  
24 otherwise confidential.

25 4. A person may request a copy of a public record in any  
26 medium in which the public record is readily available. An officer,  
27 employee or agent of a governmental entity who has legal custody  
28 or control of a public record:

29 (a) Shall not refuse to provide a copy of that public record in a  
30 readily available medium because the officer, employee or agent has  
31 already prepared or would prefer to provide the copy in a different  
32 medium.

33 (b) Except as otherwise provided in NRS 239.030, shall, upon  
34 request, prepare the copy of the public record and shall not require  
35 the person who has requested the copy to prepare the copy himself  
36 or herself.

37 **Sec. 45.5.** NRS 697.270 is hereby repealed.

38 **Sec. 46.** This act becomes effective:

39 1. Upon passage and approval for the purpose of adopting any  
40 regulations and performing any other preparatory administrative  
41 tasks necessary to carry out the provisions of this act; and

42 2. On January 1, 2018, for all other purposes.



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TEXT OF REPEALED SECTION

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**697.270 Registration of bail agents.** A bail agent shall not act as an attorney-in-fact for an insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each insurer which the bail agent represents as agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.

③







