

BAIL BOND RECOVERY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: Curtis Oda

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding the licensure process for bail enforcement agents and bail recovery agents, including surety bonds and workers' compensation.

Highlighted Provisions:

This bill:

- ▶ provides that an applicant for licensure as a bail recovery agent or as a bail recovery apprentice shall provide as part of the application:
 - a surety bond in the amount of \$10,000 that complies with specific terms; and
 - a certificate of workers' compensation insurance, if applicable; and
- ▶ specifies the licensure fees for an application to upgrade a license to a bail enforcement agent or a bail recovery agent.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-11-111, as enacted by Laws of Utah 1998, Chapter 257

53-11-113, as enacted by Laws of Utah 1998, Chapter 257



28 53-11-115, as enacted by Laws of Utah 1998, Chapter 257

29 53-11-117, as enacted by Laws of Utah 1998, Chapter 257



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 53-11-111 is amended to read:

33 **53-11-111. Licensure -- Bail recovery agent -- Requirements and limitations.**

34 (1) (a) In addition to the requirements in Sections 53-11-108 and 53-11-113, an
35 applicant for licensure as a bail recovery agent shall meet all of the requirements under Section
36 53-11-109, but instead of the experience requirement under Subsection 53-11-109(1)(a), a bail
37 recovery agent applicant shall have a minimum of 1,000 hours of experience consisting of
38 either actual bail recovery work, or work as a law enforcement officer for a federal, state, or
39 local governmental agency.

40 (b) The applicant shall substantiate the experience claimed under Subsection (1) as
41 qualifying experience and shall provide:

42 (i) the exact details as to the character and nature of the experience on a form
43 prescribed by the department; and

44 (ii) certification by the applicant's employers, which is subject to independent
45 verification by the board.

46 (c) If an applicant is unable to supply written certification of experience from an
47 employer in whole or in part, an applicant may offer written certification from persons other
48 than an employer covering the same subject matter for consideration by the board.

49 (d) The burden of proving completion of the required experience is on the applicant.

50 (2) An applicant for license renewal or license upgrade shall have completed not less
51 than eight hours of continuing classroom instruction.

52 (3) A bail recovery agent may work as a licensee under this chapter only as an
53 employee of or as an independent contractor with a bail bond agency. A bail recovery agent
54 may not:

55 (a) advertise [his] services;

56 (b) provide services as a licensee under this chapter directly for members of the public;

57 or

58 (c) employ or hire as independent contractors bail enforcement agents, bail recovery

59 agents, or bail recovery apprentices.

60 Section 2. Section **53-11-113** is amended to read:

61 **53-11-113. Bail recovery agent and bail recovery apprentice licensure -- Liability**
62 **insurance -- Fee -- Workers' compensation.**

63 (1) An applicant for licensure as a bail recovery agent or as a bail recovery apprentice
64 shall provide as part of the application:

65 (a) the full name and address of the applicant;

66 (b) two passport-size color photographs of the applicant;

67 (c) the name of the bail bond recovery agency for which the applicant will be an
68 employee or with which the applicant will be an independent contractor;

69 (d) written indication by a bail bond recovery agency or its designee that it intends to
70 employ or contract with the applicant; ~~and~~

71 (e) a notarized statement of the applicant's experience and qualifications required under
72 Section 53-11-111 or 53-11-112, as appropriate[-];

73 (f) a surety bond in the amount of \$10,000 that complies with Subsection (2); and

74 (g) a certificate of workers' compensation insurance, if applicable.

75 (2) The bond required by this section shall be:

76 (a) executed and acknowledged by the applicant as principal and by a corporation
77 licensed to transact fidelity and surety business in this state as surety;

78 (b) continuous in form and shall run concurrently with the license period;

79 (c) in favor of the state for the benefit of any person injured by any acts of the
80 applicant; and

81 (d) subject to claims by any person who is injured by any act under Subsection (2)(c).

82 ~~[(2)]~~ (3) The licensure application or renewal shall be accompanied by the fee required
83 under Section 53-11-115.

84 ~~[(3)]~~ (4) (a) A license or a license renewal for a bail recovery agent or a bail recovery
85 apprentice may not be granted to an applicant unless the employing bail bond recovery agency
86 has on file with the department evidence of current workers' compensation coverage.

87 (b) A bail recovery agent or bail recovery apprentice license may not be reinstated
88 without providing verification of the reinstatement of the workers' compensation coverage and
89 payment of the reinstatement fee required in Section 53-11-115.

90 (c) The provisions of this Subsection [~~(3)~~] (4) do not apply to a bail recovery agent or
91 bail recovery apprentice who is working for a bail bond recovery agency as an independent
92 contractor.

93 Section 3. Section **53-11-115** is amended to read:

94 **53-11-115. License and upgrade fees -- Deposit in General Fund.**

95 (1) Fees for licensure, registration, [~~and~~] renewal, and upgrade are:

96 (a) for an original bail enforcement agent license application and license or an
97 application for an upgrade to a bail enforcement agent license, \$250, which shall include the
98 costs of fingerprint processing and background investigation;

99 (b) for the renewal of a bail enforcement agent or bail bond recovery agency license,
100 \$150;

101 (c) for an original bail recovery agent license application and license or an application
102 for an upgrade to a bail recovery agent license, \$150, which shall include the costs of
103 fingerprint processing and background investigation;

104 (d) for the renewal of each bail recovery agent license, \$100;

105 (e) for an original bail recovery apprentice license application and license, \$150, which
106 shall include the costs of fingerprint processing and background investigation;

107 (f) for the renewal of each bail recovery apprentice license, \$100;

108 (g) for filing a renewal application under Subsection (1)(b) more than 30 days after the
109 expiration date of the license, a delinquency fee of \$50;

110 (h) for filing a renewal application under Subsection (1)(d) more than 30 days after the
111 expiration date of the registration, a delinquency fee of \$30;

112 (i) for filing a renewal application under Subsection (1)(f) more than 30 days after the
113 expiration date of the apprentice license, a delinquency fee of \$30;

114 (j) for the reinstatement of a bail enforcement agent or bail bond recovery agency
115 license, \$50;

116 (k) for a duplicate identification card, \$10; and

117 (l) for reinstatement of an identification card, \$10.

118 (2) (a) The board may renew or upgrade a license granted under this chapter upon
119 receipt of an application on forms as prescribed by the board and upon receipt of the fees
120 prescribed in Subsection (1).

121 (b) The initial application, renewal, or upgrade of a bail enforcement agent, bail
122 recovery agent, or bail recovery apprentice license requires the filing of a liability insurance
123 policy as described in [~~Subsections 53-9-109(2) and (3)~~] Subsection 53-11-113(1)(f).

124 (c) A license may not be renewed or upgraded more than 90 days after its expiration.

125 (d) A licensee may not engage in any activity subject to this chapter during any period
126 between the date of expiration of the license and the renewal of the license.

127 (3) (a) The board may reinstate a suspended license upon completion of the term of
128 suspension.

129 (b) Renewal of the license does not entitle the licensee, while the license remains
130 suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any
131 other activity or conduct in violation of the order or judgment by which the license was
132 suspended.

133 (4) The board may not reinstate a revoked license or accept an application for a license
134 from a person whose license has been revoked for at least one year after the date of revocation.

135 (5) All fees collected by the department under this section shall be deposited in the
136 General Fund.

137 Section 4. Section **53-11-117** is amended to read:

138 **53-11-117. Workers' compensation requirements for employees' licensure.**

139 (1) An applicant for licensure under this [~~section~~] chapter who is employed by a bail
140 bond recovery agency may not obtain or renew a license unless the employer has on file with
141 the department evidence of current workers' compensation coverage.

142 (2) The applicant's license may only be reinstated upon verification by the department
143 of the reinstatement of the workers' compensation coverage and payment of the reinstatement
144 fee required under Section 53-11-115.

145 (3) This section does not apply to contract employees.

Legislative Review Note
as of 11-30-09 1:51 PM

Office of Legislative Research and General Counsel

S.B. 83 - Bail Bond Recovery Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. Approximately 20 to 50 applicants for initial or upgrade licensure of bail enforcement agents and bail recovery agents will be impacted.
