

FIRST REGULAR SESSION

HOUSE BILL NO. 628

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

1728L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 374.702, 374.715, 374.740, and 374.755, RSMo, and to enact in lieu thereof four new sections relating to bail bond agents, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 374.702, 374.715, 374.740, and 374.755, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 374.702, 374.715, 374.740,
3 and 374.755, to read as follows:

374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a
2 general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

3 2. No judge, attorney, court official, law enforcement officer, state, county, or municipal
4 employee who is either elected or appointed shall be licensed as a bail bond agent or a general
5 bail bond agent.

6 3. A licensed bail bond agent shall not execute or issue an appearance bond in this state
7 without holding a valid appointment from a general bail bond agent and without attaching to the
8 appearance bond an executed and prenumbered power of attorney referencing the general bail
9 bond agent or insurer.

10 4. [A person licensed as an active bail bond agent shall hold the license for at least two
11 years prior to owning or being an officer of a licensed general bail bond agent] **Beginning**
12 **August 28, 2009, a person licensed as an active bail bond agent shall hold the license for**
13 **at least four years prior to owning or being an officer of a licensed general bail bond agent.**

14 5. A general bail bond agent shall not engage in the bail bond business:

15 (1) Without having been licensed as a general bail bond agent pursuant to sections
16 374.695 to 374.775; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695
18 to 374.775.

19 6. A general bail bond agent shall not permit any unlicensed person to solicit or engage
20 in the bail bond business on the general bail bond agent's behalf, except for individuals who are
21 employed solely for the performance of clerical, stenographic, investigative, or other
22 administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

23 7. Any person who is convicted of a violation of this section is guilty of a class A
24 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this
25 section is guilty of a class D felony.

374.715. 1. Applications for examination and licensure as a bail bond agent or general
2 bail bond agent shall be in writing and on forms prescribed and furnished by the department, and
3 shall contain such information as the department requires. Each application shall be
4 accompanied by proof satisfactory to the department that the applicant is a citizen of the United
5 States, is at least twenty-one years of age, has a high school diploma or general education
6 development certificate (GED), is of good moral character, and meets the qualifications for
7 surety on bail bonds as provided by supreme court rule. Each application shall be accompanied
8 by the examination and application fee set by the department. Individuals currently employed
9 as bail bond agents and general bail bond agents shall not be required to meet the education
10 requirements needed for licensure pursuant to this section.

11 2. (1) In addition, each applicant for licensure as a general bail bond agent shall furnish
12 proof satisfactory to the department that [the applicant or, if the applicant is a corporation, that
13 each officer thereof has completed at least two years as a bail bond agent, and that the applicant
14 possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment
15 of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the
16 applicant's violating any provision of sections 374.695 to 374.789. The assignment required by
17 this section shall be in the form and executed in the manner prescribed by the department. The
18 director may require by regulation conditions by which additional assignments of assets of the
19 general bail bond agent may occur when the circumstances of the business of the general bail
20 bond agent warrants additional funds. However, such additional funds shall not exceed
21 twenty-five thousand dollars] :

22 (a) **For a general bail bond agent licensed prior to August 28, 2009, the applicant**
23 **or, if the applicant is a corporation, each officer of the corporation has completed at least**
24 **two years as a bail bond agent and the applicant possesses liquid assets of at least ten**
25 **thousand dollars, along with an executed assignment of ten thousand dollars to the state**
26 **of Missouri;**

27 **(b) For a general bail bond agent licensed on or after August 28, 2009, the applicant**
28 **or, if the applicant is a corporation, each officer of the corporation has completed at least**
29 **four years as a bail bond agent and the applicant possesses liquid assets of fifty thousand**
30 **dollars, along with an executed assignment of fifty thousand dollars to the state of**
31 **Missouri.**

32 **(2) In addition to the assignment requirements in paragraphs (a) and (b) of**
33 **subdivision (1) of this subsection, the general bail bond agent shall execute an assignment**
34 **to the state of Missouri in the amount of five thousand dollars for each bail bond agent**
35 **licensed under the authority of the general bail bond agent on or after August 28, 2009.**

36 **(3) The assignments required by this section shall become effective upon the**
37 **applicant violating any provision of sections 374.695 to 374.789, and shall be in the form**
38 **and executed in the manner prescribed by the department. The director may require by**
39 **rule conditions by which additional assignments of assets of the general bail bond agent**
40 **may occur when the circumstances of the business of the general bail bond agent warrants**
41 **additional funds; except that, such additional funds shall not exceed fifty thousand dollars.**

374.740. Any person applying to be licensed as a nonresident general bail bond agent
2 who has been licensed in another state shall devote fifty percent of his or her working time in the
3 state of Missouri and shall file proof with the director of the department of insurance, financial
4 institutions and professional registration as to his or her compliance, and accompany his or her
5 application with the fees set by the director by [regulation] **rule** and, if applying for a nonresident
6 general bail bond agent's license, with [a duly] **an** executed assignment of [twenty-five] **fifty**
7 thousand dollars to the state of Missouri, [which assignment] **along with an additional**
8 **assignment of five thousand dollars for each bail bond agent licensed under the authority**
9 **of the general agent. Such assignments** shall become effective upon the applicant's violating
10 any provision of sections 374.695 to 374.789. Failure to comply with this section will result in
11 revocation of the nonresidence license. The assignment required by this section shall be in the
12 form and executed in the manner prescribed by the department. All licenses issued pursuant to
13 this section shall be subject to the same renewal requirements set for other licenses issued
14 pursuant to sections 374.695 to 374.789.

374.755. 1. The department may cause a complaint to be filed with the administrative
2 hearing commission as provided by chapter 621, RSMo, against any holder of any license
3 required by sections 374.695 to 374.775 or any person who has failed to renew or has
4 surrendered his or her license for any one or any combination of the following causes:

5 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
6 beverage to an extent that such use impairs a person's ability to perform the work of the
7 profession licensed under sections 374.695 to 374.775;

8 (2) Final adjudication or a plea of guilty or nolo contendere [within the past fifteen years]
9 in a criminal prosecution under any state or federal law for a felony or a crime involving moral
10 turpitude whether or not a sentence is imposed, prior to issuance of license date;

11 (3) Use of fraud, deception, misrepresentation or bribery in securing any license or in
12 obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

13 (4) Obtaining or attempting to obtain any compensation as a member of the profession
14 licensed by sections 374.695 to 374.775 by means of fraud, deception or misrepresentation;

15 (5) Misappropriation of the premium, collateral, or other things of value given to a bail
16 bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct, gross
17 negligence, fraud, or misrepresentation in the performance of the functions or duties of the
18 profession licensed or regulated by sections 374.695 to 374.775;

19 (6) Violation of any provision of or any obligation imposed by the laws of this state,
20 department of insurance, financial institutions and professional registration rules and regulations,
21 or aiding or abetting other persons to violate such laws, orders, rules or regulations, or
22 subpoenas;

23 (7) Transferring a license or permitting another person to use a license of the licensee;

24 (8) Disciplinary action against the holder of a license or other right to practice the
25 profession regulated by sections 374.695 to 374.789 granted by another state, territory, federal
26 agency or country upon grounds for which revocation or suspension is authorized in this state;

27 (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

28 (10) Assisting or enabling any person to practice or offer to practice the profession
29 licensed or regulated by sections 374.695 to 374.789 who is not currently licensed and eligible
30 to practice pursuant to sections 374.695 to 374.789;

31 (11) Acting in the capacity of an attorney at a trial or hearing of a person for whom the
32 attorney is acting as surety;

33 (12) Failing to provide a copy of the bail contract, renumbered written receipt for
34 acceptance of money, or other collateral for the taking of bail to the principal, if requested by any
35 person who is a party to the bail contract, or any person providing funds or collateral for bail on
36 the principal's behalf.

37 2. After the filing of such complaint, the proceedings shall be conducted in accordance
38 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
39 commission that one or more of the causes stated in subsection 1 of this section have been met,
40 the director may suspend or revoke the license or enter into an agreement for a monetary or other
41 penalty pursuant to section 374.280.

42 3. In lieu of filing a complaint at the administrative hearing commission, the director and
43 the bail bond agent or general bail bond agent may enter into an agreement for a monetary or
44 other penalty pursuant to section 374.280.

45 4. In addition to any other remedies available, the director may issue a cease and desist
46 order or may seek an injunction in a court of competent jurisdiction pursuant to the provisions
47 of section 374.046 whenever it appears that any person is acting as a bail bond agent or general
48 bail bond agent without a license or violating any other provisions of sections 374.695 to
49 374.789.

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