

BAIL BOND LICENSING ACT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Susan J. Koehn

AN ACT RELATING TO PUBLIC SAFETY; CHANGING THE NOTIFICATION REQUIREMENT FOR BAIL BONDSMEN FROM 24 HOURS BEFORE AN APPREHENSION TO WITHIN 24 HOURS OF AN APPREHENSION; CHANGING THE DESIGN OF THE IDENTIFICATION CARD; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-11-116, as enacted by Chapter 257, Laws of Utah 1998

53-11-123, as enacted by Chapter 257, Laws of Utah 1998

ENACTS:

53-11-116.5, Utah Code Annotated 1953

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

Section 1. Section **53-11-116** is amended to read:

53-11-116. Issuance of license and card to applicant -- License period -- Expiration of application -- Transfer of license prohibited.

(1) (a) The board shall issue a license to an applicant who complies with the provisions of this chapter.

(b) Each license shall:

(i) contain the name and address of the licensee, the classification of license, and the number of the license; and

(ii) be issued for a period of two years.

(2) (a) When the board issues the license, it shall also issue an identification card [of dimensions $2\frac{1}{2} \times 4\frac{1}{2}$ inches] the design of which shall be approved by the commissioner in accordance with Section 53-11-116.5.

(b) The identification card shall be issued without charge to the licensee if an individual, or if the licensee is an agency, to each of its licensed employees and contract employees, and is

evidence the licensee and his employees and contract employees are licensed under this chapter.

~~[(c) The identification card shall state on its face:]~~

~~[(i) the licensee's classification of licensure;]~~

~~[(ii) the license number; and]~~

~~[(iii) a current photo of the licensee.]~~

(3) (a) If an identification card issued to a person states on it any bail bond agencies for which the cardholder works, that person shall return the card to the employer upon termination of his work relationship with the bail bond agency licensee.

(b) Within five days the licensee shall mail or deliver the card to the commissioner for cancellation.

(4) (a) When the commissioner notifies an applicant that licensure as a bail bond recovery agency is ready for issuance, the applicant shall complete the application process within 90 days.

(b) Failure to complete the process results in cancellation of the application and forfeiture of all fees paid to that point.

(c) Subsequent application by the same applicant requires the payment of all application and license fees prescribed in Section 53-11-115.

(5) A bail bond agency licensee shall notify the commissioner of any change in the name or address of his business and of any change of employees or contract employees within 30 days after the change.

(6) (a) All new employees and contract employees of an agency who are licensed under this chapter shall submit applications on forms prescribed by the board.

(b) Upon board approval, identification cards shall be issued without charge.

Section 2. Section **53-11-116.5** is enacted to read:

53-11-116.5. Identification cards.

(1) A person licensed under this chapter as a bail enforcement agent or a bail recovery agent shall carry an identification card issued under this section.

(2) (a) Bail bond agencies may submit designs for an identification card that shall be used for identification purposes by bail enforcement agents and bail recovery agents licensed under this

chapter.

(b) The commissioner shall establish a procedure for the submitting of identification card designs and shall select one design to be used for all identification cards issued under this section.

(c) The identification card design:

(i) may not resemble any identification card currently in use by a law enforcement agency within the state; and

(ii) shall include:

(A) the licensee's classification of licensure;

(B) the license number; and

(C) a current photo of the licensee.

(d) The department of public safety shall issue identification cards, upon notification by the board that a license has been issued.

Section 3. Section **53-11-123** is amended to read:

53-11-123. Notification of local law enforcement.

(1) (a) A bail enforcement agent or bail recovery agent who is searching for or planning to apprehend a person shall notify the local law enforcement agency if the search or apprehension will be conducted in an occupied structure within that law enforcement agency's jurisdiction.

(b) [Notification] When possible, notification shall be provided [not less than] before taking action, but always within 24 hours [before] of taking action [is taken].

(c) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied structure to carry out an arrest, he shall verbally advise the local law enforcement agency of his location and intended action prior to acting.

(2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall each carry with him a written document providing proof and cause for the actions he is taking as a licensee, and shall make the document available to local law enforcement agencies upon request.