

Part 1 General Provisions

31A-35-101 Title.

This chapter is known as the "Bail Bond Act."

Amended by Chapter 173, 2004 General Session

31A-35-102 Definitions.

As used in this chapter:

- (1) "Bail bond" means a bail bond insurance product for a specified monetary amount that is:
 - (a) executed by a bail bond producer licensed in accordance with Section 31A-35-401; and
 - (b) issued to a court, magistrate, or authorized officer to secure:
 - (i) the release of a person from incarceration; and
 - (ii) the appearance of the released person at court hearings the person is required to attend.
- (2) "Bail bond agency" means any sole proprietor or entity that:
 - (a) is licensed under Subsection 31A-35-404(1) or (2);
 - (b)
 - (i) is the agent of a surety insurer that sells a bail bond in connection with judicial proceedings;
 - (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail bond in connection with judicial proceedings; or
 - (iii) pledges personal or real property, or both, as security for a bail bond in connection with judicial proceedings; and
 - (c) receives or is promised money or other things of value for a service described in Subsection (2)(b).
- (3) "Bail bond producer" means an individual who:
 - (a) is appointed by:
 - (i) a surety insurer that sells bail bonds; or
 - (ii) a bail bond agency licensed under this chapter;
 - (b) is appointed to execute or countersign undertakings of bail in connection with judicial proceedings; and
 - (c) receives or is promised money or other things of value for engaging in an act described in Subsection (3)(b).
- (4) "Bail enforcement agent" means the same as that term is defined in Section 53-11-102.
- (5) "Board" means the Bail Bond Oversight Board created in Section 31A-35-201.
- (6) "Certificate" means a certificate of authority issued under this chapter to allow an insurer to operate as a surety insurer.
- (7) "Indemnitor" means an entity or natural person that enters into an agreement with a bail bond agency to hold the bail bond agency harmless from loss incurred as a result of executing a bail bond.
- (8) "Liquid assets" means financial holdings that can be converted into cash in a timely manner without the loss of principal.
- (9) "Premium" means the specified monetary amount used to purchase a bail bond.
- (10) "Principal" means a person that:
 - (a) guarantees the performance of a bail bond; or
 - (b) owns not less than 10% of the bail bond agency.
- (11) "Surety insurer" means an insurer that:

- (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;
 - (b) receives a certificate under this title; and
 - (c) sells bail bonds in connection with judicial proceedings.
- (12) "Utah depository institution" means a depository institution, as defined in Section 7-1-103, that:
- (a) has Utah as its home state; or
 - (b) operates a branch in Utah.

Amended by Chapter 234, 2016 General Session

31A-35-103 Exemption from other provisions of this title.

Bail bond agencies are exempted from:

- (1)Chapter 3, Department Funding, Fees, and Taxes, except Section 31A-3-103;
- (2)Chapter 4, Insurers in General, except Sections 31A-4-102, 31A-4-103, 31A-4-104, and 31A-4-107;
- (3)Chapter 5, Domestic Stock and Mutual Insurance Corporations, except Section 31A-5-103;
- (4)Chapter 6a, Service Contracts;
- (5)Chapter 6b, Guaranteed Asset Protection Waiver Act;
- (6)Chapter 7, Nonprofit Health Service Insurance Corporations;
- (7)Chapter 8, Health Maintenance Organizations and Limited Health Plans;
- (8)Chapter 8a, Health Discount Program Consumer Protection Act;
- (9)Chapter 9, Insurance Fraternal;
- (10)Chapter 10, Annuities;
- (11)Chapter 11, Motor Clubs;
- (12)Chapter 12, State Risk Management Fund;
- (13)Chapter 14, Foreign Insurers;
- (14)Chapter 15, Unauthorized Insurers, Surplus Lines, and Risk Retention Groups;
- (15)Chapter 16, Insurance Holding Companies;
- (16)Chapter 17, Determination of Financial Condition;
- (17)Chapter 18, Investments;
- (18)Chapter 19a, Utah Rate Regulation Act;
- (19)Chapter 20, Underwriting Restrictions;
- (20)Chapter 23b, Navigator License Act;
- (21)Chapter 25, Third Party Administrators;
- (22)Chapter 26, Insurance Adjusters;
- (23)Chapter 27, Delinquency Administrative Action Provisions;
- (24)Chapter 27a, Insurer Receivership Act;
- (25)Chapter 28, Guaranty Associations;
- (26)Chapter 30, Individual, Small Employer, and Group Health Insurance Act;
- (27)Chapter 31, Insurance Fraud Act;
- (28)Chapter 32a, Medical Care Savings Account Act;
- (29)Chapter 36, Life Settlements Act;
- (30)Chapter 37, Captive Insurance Companies Act;
- (31)Chapter 37a, Special Purpose Financial Captive Insurance Company Act;
- (32)Chapter 38, Federal Health Care Tax Credit Program Act;
- (33)Chapter 39, Interstate Insurance Product Regulation Compact;
- (34)Chapter 40, Professional Employer Organization Licensing Act;

(35)Chapter 41, Title Insurance Recovery, Education, and Research Fund Act; and
(36)Chapter 43, Small Employer Stop-Loss Insurance Act.

Amended by Chapter 64, 2021 General Session

31A-35-104 Rulemaking authority.

The commissioner shall by rule establish specific licensure and certification guidelines and standards of conduct for the business of bail bond insurance under this chapter.

Amended by Chapter 234, 2016 General Session