

Part 2

Commercial Bail Bond Surety Oversight Board

31A-35-201 Bail Bond Oversight Board.

- (1) There is created a Bail Bond Oversight Board within the department, consisting of:
 - (a) the following seven voting members who shall be appointed by the commissioner:
 - (i) one representative each from four licensed bail bond agencies;
 - (ii) two members of the general public who do not have any financial interest in or professional affiliation with any bail bond agency; and
 - (iii) one attorney in good standing licensed to practice law in Utah; and
 - (b) a nonvoting member who is a staff member of the insurance department appointed by the commissioner.
- (2)
 - (a) The appointments are for terms of four years. A board member may not serve more than two consecutive terms.
 - (b) The commissioner shall, at the time of appointment or reappointment of a board member described in Subsection (1)(a), adjust the length of terms to ensure that the terms of board members are staggered so approximately half of the board is appointed every two years.
- (3) A board member serves until:
 - (a) removed by the commissioner;
 - (b) the member's resignation; or
 - (c) for a member described in Subsection (1)(a), the expiration of the member's term and the appointment of a successor.
- (4) When a vacancy occurs in the membership of a board member described in Subsection (1)(a) for any reason, the replacement shall be appointed for the remainder of the unexpired term.
- (5) The board shall annually elect one of its members as chair.
- (6) Four voting members constitute a quorum for the transaction of business.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8)
 - (a) The commissioner, with a majority vote of the board, may remove any member of the board described in Subsection (1)(a) for misconduct, incompetency, or neglect of duty.
 - (b) The board shall conduct a hearing if requested by the board member described in Subsection (1)(a) that is to be removed.
- (9) Members of the board are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this chapter.

Amended by Chapter 234, 2016 General Session

31A-35-202 Board responsibilities.

- (1) The board shall:
 - (a) meet:
 - (i) at least quarterly; and
 - (ii) at the call of the chair;

- (b) make written recommendations to the commissioner for rules governing the following aspects of the bail bond insurance business:
 - (i) qualifications, applications, and fees for obtaining:
 - (A) a license required by this Section 31A-35-401; or
 - (B) a certificate;
 - (ii) limits on the aggregate amounts of bail bonds;
 - (iii) unprofessional conduct;
 - (iv) procedures for hearing and resolving allegations of unprofessional conduct; and
 - (v) sanctions for unprofessional conduct;
 - (c) screen:
 - (i) bail bond agency license applications; and
 - (ii) persons applying for a bail bond agency license; and
 - (d) recommend to the commissioner action regarding the granting, renewing, suspending, revoking, and reinstating of bail bond agency license.
- (2) The board may:
- (a) conduct investigations of allegations of unprofessional conduct on the part of persons or bail bond agencies involved in the business of bail bond insurance; and
 - (b) provide the results of the investigations described in Subsection (2)(a) to the commissioner with recommendations for:
 - (i) action; and
 - (ii) any appropriate sanctions.

Amended by Chapter 234, 2016 General Session