

**Superseded 5/10/2016**

**31A-35-102 Definitions.**

As used in this chapter:

- (1) "Bail bond" means a bond 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 as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance.
- (2) "Bail bond producer" means an individual who:
  - (a) is appointed by:
    - (i) a surety insurer that issues bail bonds; or
    - (ii) a bail bond surety company 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 (2)(b).
- (3) "Bail bond surety" means a person that:
  - (a)
    - (i) is a bail bond surety company licensed under this chapter; or
    - (ii) a surety insurer; and
  - (b) issues bonds to secure:
    - (i) the release of a person from incarceration; and
    - (ii) the appearance of that person at court hearings.
- (4) "Bail bond surety company" means any sole proprietor or entity who:
  - (a)
    - (i) is the agent of a surety insurer that issues 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
  - (b) receives or is promised money or other things of value for a service described in Subsection (4)(a).
- (5) "Bail enforcement agent" means an individual who:
  - (a) is employed or contracted with to:
    - (i) enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding;
    - (ii) apprehend a defendant or surrender a defendant to custody; or
    - (iii) both Subsections (5)(a)(i) and (ii); and
  - (b) receives or is promised money or other things of value for the services described in Subsection (5)(a).
- (6) "Board" means the Bail Bond Surety Oversight Board created in Section 31A-35-201.
- (7) "Certificate" means a certificate of authority issued under this chapter to allow an insurer to operate as a surety insurer.
- (8) "Indemnitor" means an entity or natural person who enters into an agreement with a bail bond surety to hold the bail bond surety harmless from loss incurred as a result of executing a bail bond.

- (9) "Liquid assets" means financial holdings that can be converted into cash in a timely manner without the loss of principal.
- (10) "Principal" means an individual or corporation whose performance is guaranteed by bond.
- (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) issues bail bonds.
- (12) "Utah depository institution" is 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.