

**Effective 5/10/2016**

**31A-35-608 Premiums and authorized charges.**

- (1) A bail bond agency or bail bond producer may not, in any bail transaction or in connection with that transaction, directly or indirectly, charge or collect money or other valuable consideration from any person except to:
  - (a) pay the premium on the bail at the rates established by the bail bond agency or surety insurer;
  - (b) provide collateral;
  - (c) reimburse the bail bond agency or bail bond producer for actual expenses, as described in Subsection (2), incurred in connection with the bail bond transaction; or
  - (d) reimburse the bail bond agency or bail bond producer, or to establish a right of action against the principal or any indemnitor, for actual expenses the bail bond agency or bail bond producer incurred:
    - (i) in good faith; and
    - (ii) which were by reason of breach by the defendant of any of the terms of the written agreement under which the undertaking of bail or bail bond was written.
- (2)
  - (a) A bail bond agency or surety insurer may bring an action in a court of law to enforce its equitable rights against the principal and the principal's indemnitors in exoneration if:
    - (i) a bail bond producer did not establish a written agreement; or
    - (ii) there is only an incomplete writing.
  - (b) Reimbursement claimed under this Subsection (2) may not exceed the sum of:
    - (i) the principal sum of the bail bond or undertaking; and
    - (ii) any reasonable expenses that:
      - (A) are verified by receipt;
      - (B) in total do not amount to more than the principal sum of the bail bond or undertaking; and
      - (C) are incurred in good faith by the bail bond agency, its bail bond producers, and the bail bond agency's employees by reason of the principal's breach.
- (3) This section does not affect or impede the right of a bail bond producer to execute undertaking of bail on behalf of a nonresident producer of the bail bond agency or surety insurer the bail bond producer represents.
- (4) A bail bond agency or surety insurer shall maintain complete records of all current and closed accounts receivable regarding financed premiums for the current calendar year and the three prior years.
- (5) If the bail amount on the original charge is increased by the court, the bail premium paid on the original bond may be applied to the bail premium due on the increased bail amount for that charge.

Amended by Chapter 234, 2016 General Session