

BAIL BOND ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: R. Curt Webb

LONG TITLE

General Description:

This bill modifies provisions regarding bail bond companies, notice of bond forfeiture, and satisfaction of the judgment.

Highlighted Provisions:

This bill:

- ▶ requires notification to the bail bond company by the commissioner of nonpayment of a judgment; and

- ▶ provides that a bail bond company has five business days after notification of a nonpayment of judgment to satisfy the judgment.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

31A-35-504, as last amended by Laws of Utah 2006, Chapter 332

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

Section 1. Section **31A-35-504** is amended to read:

31A-35-504. Failure to pay bail bond forfeiture -- Grounds for suspension and revocation of bail bond surety license.

(1) As used in this section:

- 30 (a) "Company" means a bail bond surety company.
- 31 (b) "Judgment" means a judgment of bond forfeiture issued under Section 77-20b-104.
- 32 (2) (a) (i) A company shall pay a judgment not later than 15 days following service of
33 notice upon the company from a prosecutor of the entry of the judgment.
- 34 (ii) A company may pay a bond forfeiture to the court prior to judgment.
- 35 (b) (i) A prosecutor who does not receive proof of or notice of payment of the
36 judgment within 15 days after the service of notice to the company of a judgment shall notify
37 the commissioner of the failure to pay the judgment.
- 38 (ii) The commissioner shall notify the company, by the most expeditious means
39 available, of the nonpayment of the judgment.
- 40 (iii) The company shall satisfy the judgment within five business days after receiving
41 notice under Subsection (2)(b)(ii). If the judgment is not satisfied at the end of the five days,
42 the commissioner may suspend the company's license under Subsection (3).
- 43 (c) If notice of entry of judgment is served upon the company by mail, three additional
44 days are added to the 15 days provided in Subsections (2)(a), (2)(b), and (2)(d).
- 45 (d) A prosecutor may not proceed under Subsection (2)(b) if a company, within 15
46 days after service of notice of the entry of judgment is served:
- 47 (i) files a motion to set aside the judgment or files an application for an extraordinary
48 writ; and
- 49 (ii) provides proof that the surety has posted the judgment amount with the court in
50 the form of cash, a cashier's check, or certified funds.
- 51 (e) As used in this section, the filing of the following tolls the time within which a
52 company is required to pay a judgment if the motion or application is filed within 15 days
53 after the day on which service of notice of the entry of a judgment is served:
- 54 (i) a motion to set aside a judgment; or
- 55 (ii) an application for extraordinary writ.
- 56 (3) The commissioner shall suspend the license of the company not later than five
57 days following ~~[receipt of notice from a prosecutor of the company's failure to pay the~~

58 judgment] the company's failure to satisfy the judgment as required under Subsection (2)(b).

59 (4) If the prosecutor receives proof of or notice of payment of the judgment during the
60 suspension period under Subsection (3), the prosecutor shall immediately notify the
61 commissioner of the payment. The notice shall be in writing and by the most expeditious
62 means possible, including facsimile or other electronic means.

63 (5) The commissioner shall lift a suspension under Subsection (3) within five days of
64 the day on which all of the following conditions are met:

65 (a) the suspension has been in place for no fewer than 14 days;

66 (b) the commissioner has received written notice of payment of the unpaid forfeiture
67 from the prosecutor; and

68 (c) the commissioner has received:

69 (i) no other notice of any unpaid forfeiture from a prosecutor; or

70 (ii) if a notice of unpaid forfeiture is received, written notice from the prosecutor that
71 the unpaid forfeiture has been paid.

72 (6) The commissioner shall commence an administrative proceeding and revoke the
73 license of a company that fails to meet the conditions under Subsection (5) within 60 days
74 following the initial date of suspension.

75 (7) This section does not restrict or otherwise affect the rights of a prosecutor to
76 commence collection proceedings under Subsection 77-20b-104(5).