

BAIL BOND RECOVERY LICENSURE BOARD AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies the Bail Bond Recovery Act regarding board membership qualifications.

Highlighted Provisions:

This bill:

► modifies the membership of the Bail Bond Recovery Licensure Board regarding the member who is required to be an owner of a bail bond surety company, so that the member may also be a bail enforcement agent or a bail recovery agent.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-11-104, as last amended by Laws of Utah 2010, Chapter 286

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

Section 1. Section **53-11-104** is amended to read:

53-11-104. Board.

(1) (a) There is established under the Department of Public Safety a Bail Bond



28 Recovery Licensure Board consisting of five members appointed by the commissioner.

29 (b) The commissioner may appoint, in accordance with this section, persons who are
30 also serving in the same capacity on the Private Investigator Hearing and Licensure Board
31 under Section 53-9-104.

32 (2) Each member of the board shall be a citizen of the United States and a resident of
33 this state at the time of appointment:

34 (a) one member shall be a person who is qualified for and is licensed under this
35 chapter;

36 (b) one member shall be a an attorney licensed to practice in the state;

37 (c) one member shall be a chief of police or sheriff;

38 (d) one member shall be an owner of a bail bond surety company [~~who is not a bail~~
39 ~~enforcement agent or a bail recovery agent~~]; and

40 (e) one member shall be a public member who [~~does not have~~]:

41 (i) does not have a financial interest in a bail bond surety or bail bond recovery
42 business; and

43 (ii) does not have an immediate family member or a household member, or a personal
44 or professional acquaintance who is licensed or registered under this chapter.

45 (3) (a) As terms of current board members expire, the commissioner shall appoint each
46 new member or reappointed member to a four-year term, except as required by Subsection
47 (3)(b).

48 (b) The commissioner shall, at the time of appointment or reappointment, adjust the
49 length of terms to ensure that the terms of board members are staggered so that approximately
50 half of the board is appointed every two years.

51 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
52 appointed for the unexpired term.

53 (5) At its first meeting every year, the board shall elect a chair and vice chair from its
54 membership.

55 (6) A member may not receive compensation or benefits for the member's service, but
56 may receive per diem and travel expenses in accordance with:

57 (a) Section 63A-3-106;

58 (b) Section 63A-3-107; and

59 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
60 63A-3-107.

61 (7) A member may not serve more than one term, except that a member appointed to
62 fill a vacancy or appointed for an initial term of less than four years under Subsection (3) may
63 be reappointed for one additional full term.

64 (8) The commissioner, after a board hearing and recommendation, may remove any
65 member of the board for misconduct, incompetency, or neglect of duty.

66 (9) Members of the board are immune from suit with respect to all acts done and
67 actions taken in good faith in carrying out the purposes of this chapter.

Legislative Review Note
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Office of Legislative Research and General Counsel