

1 SENATE BILL NO. 172
2 INTRODUCED BY C. FRIEDEL, M. HOPKINS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING BAIL BONDS;
5 ~~ESTABLISHING THE BAIL FUGITIVE RECOVERY AGENTS ACT; ESTABLISHING REQUIREMENTS FOR~~
6 ~~BAIL BOND AGENTS AND BAIL FUGITIVE RECOVERY AGENTS; REQUIRING A BAIL BOND AGENT OR~~
7 ~~BAIL FUGITIVE AGENT TO NOTIFY LOCAL LAW ENFORCEMENT PRIOR TO APPREHENDING A~~
8 ~~DEFENDANT; PROVIDING THAT A PERSON WHO IS LICENSED AS A PRIVATE INVESTIGATOR IS~~
9 ~~SUBJECT TO THE BAIL FUGITIVE RECOVERY AGENTS ACT; PROVIDING PENALTIES; AND PROVIDING~~
10 ~~DEFINITIONS CREATING A SURETY BAIL BOND INSURANCE LICENSE; PROVIDING FOR APPLICATION~~
11 ~~AND TRAINING REQUIREMENTS FOR A SURETY BAIL BOND INSURANCE LICENSE; PROVIDING~~
12 ~~ARREST AUTHORITY TO A SURETY BAIL BOND INSURANCE PROVIDER; AMENDING SECTIONS 33-17-~~
13 ~~212, 33-26-108, 46-9-401, AND 46-9-510, MCA; AND PROVIDING EFFECTIVE DATES."~~

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 (Refer to Introduced Bill)

18 Strike everything after the enacting clause and insert:

19
20 NEW SECTION. **Section 1. Special qualifications for surety bail bond insurance license.** (1)
21 Before approving an application for a surety bail bond insurance license, the commissioner shall verify that the
22 individual:
23 (a) is a natural person at least 21 years of age;
24 (b) is a citizen of the United States or is lawfully entitled to remain and work in the United States;
25 (c) has obtained a high school diploma, a general equivalency diploma or equivalent document, or
26 an equivalent education as determined by the commissioner;
27 (d) has complied with the requirements of 33-17-211; and
28 (e) has successfully completed the training required in [section 2].

1 (v) qualifications for the use of firearms; and

2 (vi) defensive tactics; and

3 (d) the following subjects:

4 (i) first aid used in emergencies; and

5 (ii) cardiopulmonary resuscitation.

6 (3) In lieu of completing the basic course of training required by subsection (1), an applicant may
7 submit proof to the commissioner that the applicant has completed a course of training required by a municipal,
8 state, or federal law enforcement agency or a branch of the armed forces to carry out the duties of a peace
9 officer.

10 (4) An applicant for a surety bail bond insurance license shall complete the training required by this
11 section within 12 months after the date the applicant is employed by a licensed surety bail bond agent. The
12 commissioner may issue a temporary license to an applicant who has not completed the training if the applicant
13 is otherwise qualified to be issued a license as a surety bail bond agent. The temporary license:

14 (a) authorizes the applicant to act as a surety bail bond agent while employed by a licensed surety
15 bail bond agent;

16 (b) is valid for up to 12 months; and

17 (c) may not be renewed.

18

19 **NEW SECTION. Section 3. Arrest by surety bail bond insurance producer.** (1) A surety bail bond
20 insurance producer who has probable cause to believe that a principal insured by the surety insurer to which
21 the producer is appointed will fail to appear in court, in violation of 46-9-503(2), or has violated a condition of
22 their release, may use reasonable force to arrest and detain the principal only as described in 46-9-510 and this
23 section. The producer shall:

24 (a) except under exigent circumstances, prior to and no more than 6 hours before attempting to
25 apprehend the principal, notify the local police department or sheriff's office of the intent to apprehend the
26 principal in that jurisdiction by telephoning nonemergency dispatch and provide:

27 (i) the name and producer license number of the individual who will be effecting the arrest; and

28 (ii) the name and approximate location of the principal; and

1 (b) immediately after the arrest of the principal, notify the local police department or sheriff's office
2 by telephoning nonemergency dispatch and provide:

- 3 (i) the name and producer license number of the individual who effected the arrest;
4 (ii) the name of the principal arrested and the description of the location of the arrest; and
5 (iii) if no notification was given under subsection (1)(a), a detailed explanation of the reasons a
6 notification could not be given under subsection (1)(a).

7 (2) As used in this section, the following definitions apply:

8 (a) "Principal" means a defendant or a witness who has been admitted to bail and who is obligated
9 to appear in court as required on penalty of forfeiting bail under a commercial bail bond.

10 (b) "Surety bail bond insurance producer" or "producer" means an insurance producer who is
11 licensed to sell, solicit, or negotiate commercial bail bonds pursuant to Title 33, chapters 17 and 26.
12

13 **Section 4.** Section 33-17-212, MCA, is amended to read:

14 **"33-17-212. Examination required -- exceptions -- fees.** (1) Except as provided in subsection (6),
15 an individual applying for a license is required to pass a written examination. The examination must test the
16 knowledge of the individual concerning each kind of insurance listed in subsection (5) for which application is
17 made, the duties and responsibilities of an insurance producer, and the insurance laws and rules of this state.
18 The examination must be developed and conducted under rules adopted by the commissioner.

19 (2) (a) The commissioner may conduct the examination or make arrangements, including
20 contracting with an outside testing service, for administering the examination. The commissioner may arrange
21 for the testing service to recover the cost of the examination from the applicant.

22 (b) The commissioner may not charge a fee for an applicant taking an examination pertaining to
23 prepaid legal insurance. However, the commissioner may contract with an outside testing service for
24 administering the examination, and the commissioner may arrange for the testing service to recover the cost of
25 the examination from the applicant.

26 (3) An individual who fails to appear for the examination as scheduled or fails to pass the
27 examination may reapply for an examination and shall remit all forms before being rescheduled for another
28 examination.