

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 378

By: Gollihare

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6 AS INTRODUCED

7 An Act relating to bail bondsman; amending 59 O.S.
8 2021, Section 1314, which relates to written receipt
9 for collateral; modifying certain reviewal fee;
10 updating statutory language; and providing an
11 effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1314, is
14 amended to read as follows:

15 Section 1314. A. When a bail bondsman or managing general
16 agent accepts collateral, the bail bondsman or managing general
17 agent shall give a written receipt for same, and this receipt shall
18 give in detail a full description of the collateral received. A
19 description of the collateral shall be listed on the undertaking by
20 affidavit. All property taken as collateral, whether personal,
21 intangible or real, shall be receipted for and deemed, for all
22 purposes, to be in the name of, and for the use and benefit of, the
23 insurer. Every receipt, encumbrance, mortgage or other evidence of
24 the custody, possession or claim shall facially indicate that it has

1 been taken or made on behalf of the insurer through its authorized
2 agent, the individual licensed bondsman or managing general agent
3 who has transacted the undertaking with the bond principal. Any
4 mortgage or other encumbrance against real property taken under the
5 provisions of this section which does not indicate beneficial
6 ownership of the claim to be in favor of the insurer shall be deemed
7 to constitute a cloud on the title to real estate and shall subject
8 the person filing, or causing same to be filed, in the real estate
9 records of the county, to a penalty of treble damages or One
10 Thousand Dollars (\$1,000.00), whichever is greater, in an action
11 brought by the person, organization or corporation injured thereby.
12 For collateral taken, or liens or encumbrances taken or made
13 pursuant to the provisions of this section, the individual bondsman
14 or managing general agent taking possession of the property or
15 making the lien, claim or encumbrance shall do so on behalf of the
16 insurer, and the individual licensed bondsman shall be deemed to act
17 in the capacity of fiduciary in relation to both:

- 18 1. The principal or other person from whom the property is
19 taken or claimed against; and
- 20 2. The insurer whose agent is the licensed bondsman.

21 As fiduciary and bailee for hire, the individual bondsman shall
22 be liable in criminal or civil actions at law for failure to
23 properly receipt or account for, maintain or safeguard, release or
24 deliver possession upon lawful demand, in addition to any other

1 penalties set forth in this subsection. No person who takes
2 possession of property as collateral pursuant to this section shall
3 use or otherwise dissipate the asset, or do otherwise with the
4 property than to safeguard and maintain its condition pending its
5 return to its lawful owner, or deliver to the insurer, upon lawful
6 demand pursuant to the terms of the bailment.

7 When collateral security is received in the form of cash or
8 check or other negotiable instrument, the bondsman shall deposit the
9 cash or instrument within two (2) business days after receipt in an
10 established, separate non-interest-bearing trust account in any bank
11 located in Oklahoma. The trust account funds required under this
12 section shall not be commingled with other operating funds.

13 B. Every licensed bondsman shall file, monthly and
14 electronically, with the Insurance Commissioner and on forms
15 approved by the Commissioner as follows:

16 1. A monthly report showing every bond written, amount of bond,
17 whether released or revoked during each month, ~~showing~~ the court and
18 county, and the style and number of the case, premiums charged and
19 collateral received; and

20 2. Monthly reports showing total current liabilities, all bonds
21 written during the month by the professional bondsman or multicounty
22 agent bondsman and by any licensed bondsman who may countersign for
23 the professional bondsman or multicounty agent bondsman, all bonds
24 terminated during the month, and the total liability and a list of
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1 all bondsmen currently employed by the professional bondsman or
2 multicounty agent bondsman.

3 Monthly reports shall be submitted electronically to the
4 Insurance Commissioner by the fifteenth day of each month. The
5 records shall be maintained by the Commissioner as public records.

6 C. Every licensee shall keep at the place of business of the
7 licensee the usual and customary records pertaining to transactions
8 authorized by the license. All of the records shall be available
9 and open to the inspection of the Commissioner at any time during
10 business hours during the three (3) years immediately following the
11 date the liability of the bondsman on the bond is discharged by the
12 court or the date collateral is returned by the bondsman to its
13 lawful owner, whichever is later. If an appearance bond is never
14 executed and filed with the court, then all records shall be
15 maintained for three (3) years immediately following the date the
16 documents were prepared. The Commissioner may require a financial
17 examination or market conduct survey during any investigation of a
18 licensee.

19 D. Each bail bondsman shall submit each month with the monthly
20 report of the bondsman, a reviewal fee equal to ~~two tenths of one~~
21 ~~percent (2/10 of 1%)~~ fifteen ten-thousandths of one percent (.0015%)
22 of the new liability written for that month. The fee shall be
23 payable to the Insurance Commissioner who shall deposit same with
24 the State Treasurer.

1 SECTION 2. This act shall become effective November 1, 2025.

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