

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1708

By: Worthen

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 1301, which relates
9 bail bondsman definitions; adding certain terms;
10 adding a definition; amending 59 O.S. 2021, Section
11 1306, which relates to cash bondsman; adding terms;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1301, is
15 amended to read as follows:

16 Section 1301. A. Sections 1301 through 1341 of this title
17 shall ~~only~~ apply to the regulation of bail bonds and cash bail
18 including charitable cash bail for crimes, the punishment of which
19 may be in excess of Twenty Dollars (\$20.00) fine or twenty (20) days
20 in jail, or both such fine and imprisonment.

21 B. As used in Sections 1301 through 1341 of this title:

22 1. "Commissioner" means the Insurance Commissioner of the State
23 of Oklahoma;

24 2. "Clerk" means the district or municipal court clerk;

1 3. "Insurer" means any domestic, foreign or alien surety
2 company which has qualified generally to transact surety business
3 and specifically to transact bail bond business in this state and
4 any professional bondsman or multicounty agent bondsman;

5 4. "Bail bondsman" means a surety bondsman, professional
6 bondsman, multicounty agent bondsman, property bondsman, or a cash
7 bondsman as hereinafter defined;

8 5. "Surety bondsman" means any person who has been approved by
9 the Commissioner and appointed by an insurer by power of attorney to
10 execute or countersign bail bonds for the insurer in connection with
11 judicial proceedings and charges and receives money for his or her
12 services;

13 6. "Managing general agent" (M.G.A.) means any person acting in
14 the capacity of supervisor or manager over a licensed bondsman, who
15 has been granted the authority or responsibility by an insurer to
16 conduct surety business on its behalf, and to oversee the activities
17 and conduct of the appointed licensed bondsman agents of the
18 insurer, and who generally functions as an intermediate manager
19 between the insurer and its licensed bondsman agents. A managing
20 general agent fulfilling these functions shall be a natural person,
21 shall meet the qualifications of paragraph 5 of this subsection and
22 shall be licensed as a bondsman;

23 7. "Professional bondsman" means any person who has been
24 approved by the Commissioner and who pledges cash as security for a

1 bail bond in connection with a judicial proceeding and charges and
2 receives money for his or her services;

3 8. "Property bondsman" means any person who has been approved
4 by the Commissioner and who pledges real property as security for a
5 bail bond in a judicial proceeding and charges and receives money
6 for his or her services;

7 9. "Cash bondsman" means any person who has been approved by
8 the Commissioner and who deposits cash money as security for a bail
9 bond in a judicial proceeding and charges and receives money for his
10 or her services;

11 10. "Escrow deposit" means cash or valuable security deposited
12 by an insurer to secure the face amount of forfeiture pending
13 appeal;

14 11. "Solicitation" means to ask for earnestly, seek to obtain
15 by persuasion or entreaty, implore, beseech, tempt or entice a
16 person directly or through another person by personal, mechanical,
17 printed or published means to purchase a bail bond. Solicitation
18 shall not include mass communication advertising, which shall
19 include, but not be limited to, television, newspapers, magazines
20 and billboards;

21 12. "Bond" means an appearance bond for a specified monetary
22 amount which is executed by the defendant and a licensed bondsman
23 pursuant to the provisions of Section 1301 et seq. of this title and
24 which is issued to a court clerk as security for the subsequent

1 court appearance of the defendant upon release from actual custody
2 pending the appearance; ~~and~~

3 13. "Multicounty agent bondsman" means a professional bondsman
4 who has been approved by the Commissioner and who otherwise complies
5 with the provisions of Section 1306.1 of this title.

6 14. "Charitable cash bondsman" means any person who has been
7 approved by the Commissioner who deposits cash money as security for
8 a cash bond in a judicial proceeding and does not charge nor receive
9 any money for his or her services.

10 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1306, is
11 amended to read as follows:

12 Section 1306. A. 1. An applicant for a cash bondsman license
13 or charitable cash bondsman license shall meet all requirements set
14 forth in Section 1305 of this title with exception of the one-year
15 residence requirement. An applicant for a cash bondsman license
16 shall affirmatively show that the applicant has been a bona fide
17 resident of the state for six (6) months.

18 2. In addition to the requirements prescribed in Section 1305
19 of this title, an applicant for a professional bondsman license
20 shall have been continually licensed as a surety, cash or property
21 bondsman in the State of Oklahoma for a minimum of two (2) years
22 immediately prior to the date of application and shall submit to the
23 Insurance Commissioner an audited financial statement prepared by an
24 accounting firm or individual holding a permit to practice public

1 accounting in this state in accordance with the Statements on
2 Auditing Standards promulgated by the Auditing Standards Board of
3 the American Institute of Certified Public Accountants setting forth
4 the total assets of the bondsman less liabilities and debts as
5 follows: For all applications made prior to November 1, 2006, and
6 the subsequent renewals of a license issued upon the application
7 when continuously maintained in effect as required by law, the
8 statement shall show a net worth of at least Fifty Thousand Dollars
9 (\$50,000.00). For all applications made on and after November 1,
10 2006, and the subsequent renewals of a license issued upon the
11 application when continuously maintained in effect as required by
12 law, or for the renewal or reinstatement of any license that is
13 expired pursuant to subsection D of Section 1309 of this title,
14 suspended or revoked, the statement shall show a net worth of at
15 least One Hundred Fifty Thousand Dollars (\$150,000.00), the
16 statements to be current as of a date not earlier than ninety (90)
17 days prior to submission of the application and the statement shall
18 be attested to by an unqualified opinion of the accountant.

19 3. Professional bondsman applicants shall make a deposit with
20 the Insurance Commissioner in the same manner as required of
21 domestic insurance companies of an amount to be determined by the
22 Commissioner. For all applications made prior to November 1, 2006,
23 and the subsequent renewals of a license issued upon the application
24 when continuously maintained in effect as required by law, the

1 deposit shall not be less than Twenty Thousand Dollars (\$20,000.00).
2 For all applications made on and after November 1, 2006, and the
3 subsequent renewals of a license issued upon the application when
4 continuously maintained in effect as required by law, or for the
5 renewal or reinstatement of any license that is expired pursuant to
6 subsection D of Section 1309 of this title, suspended or revoked,
7 the deposit shall not be less than Fifty Thousand Dollars
8 (\$50,000.00). The deposits shall be subject to all laws, rules and
9 regulations as deposits by domestic insurance companies but in no
10 instance shall a professional bondsman write bonds which equal more
11 than ten times the amount of the deposit which the bondsman has
12 submitted to the Commissioner. Such deposit shall require the
13 review and approval of the Insurance Commissioner prior to exceeding
14 the maximum amount of Federal Deposit Insurance Corporation basic
15 deposit coverage for any one bank or financial institution. In
16 addition, a professional bondsman may make the deposit by purchasing
17 an annuity through a licensed domestic insurance company in the
18 State of Oklahoma. The annuity shall be in the name of the bondsman
19 as owner with legal assignment to the Insurance Commissioner. The
20 assignment form shall be approved by the Commissioner. If a
21 bondsman exceeds the above limitation, the bondsman shall be
22 notified by the Commissioner that the excess shall be reduced or the
23 deposit increased within ten (10) days of notification, or the
24 license of the bondsman shall be suspended immediately after the

1 ten-day period, pending a hearing on the matter. The limitation may
2 be exceeded with Commissioner approval when a state of emergency or
3 disaster is declared by the Governor, the Oklahoma Legislature or by
4 the United States Presidential Declaration of a Federal Emergency or
5 Major Disaster.

6 4. The deposit provided for in this section shall constitute a
7 reserve available to meet sums due on forfeiture of any bonds or
8 recognizance executed by the bondsman.

9 5. Any deposit made by a professional bondsman pursuant to this
10 section shall be released and returned by the Commissioner to the
11 professional bondsman only upon extinguishment of all liability on
12 outstanding bonds. Provided, however, the Commissioner shall have
13 the authority to review specific financial circumstances and history
14 of a professional bondsman, on a case-by-case basis, and may release
15 a portion of the deposit if warranted. The Commissioner may
16 promulgate rules to effectuate the provisions of this paragraph.

17 6. No release of deposits to a professional bondsman shall be
18 made by the Commissioner except upon written application and the
19 written order of the Commissioner. The Commissioner shall have no
20 liability for any such release to a professional bondsman provided
21 the release was made in good faith.

22 B. The deposit provided in this section shall be held in
23 safekeeping by the Insurance Commissioner and shall only be used if
24 a bondsman fails to pay an order and judgment of forfeiture after

1 being properly notified or shall be used if the license of a
2 professional bondsman has been revoked. The deposit shall be held
3 in the name of the Insurance Commissioner and the bondsman. The
4 bondsman shall execute an assignment or pledge of the deposit to the
5 Insurance Commissioner for the payment of unpaid bond forfeitures.

6 C. Currently licensed professional bondsmen may maintain their
7 aggregate liability limits upon presentation of documented proof
8 that they have previously been granted a limitation greater than the
9 requirements of subsection A of this section.

10 D. Notwithstanding any other provision of Sections 1301 through
11 1341 of this title, the license of a professional bondsman is
12 transferable upon the death or legal or physical incapacitation of
13 the bondsman to the spouse of the bondsman, or to such other
14 transferee as the professional bondsman may designate in writing,
15 and the transferee may elect to act as a professional bondsman for a
16 period of one hundred eighty (180) days if the following conditions
17 are met:

18 1. The transferee shall hold a valid license as a surety
19 bondsman in this state; and

20 2. The asset and deposit requirements set forth in this section
21 continue to be met.

22 SECTION 3. This act shall become effective November 1, 2025.

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24 60-1-10674 TKR 01/15/25