

SECOND REGULAR SESSION

HOUSE BILL NO. 2454

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KRAUS.

Read 1st time March 26, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5496L.01I

AN ACT

To repeal sections 374.700, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, and 374.787, RSMo, and to enact in lieu thereof twenty-three new sections relating to the licensure of bail bond and surety recovery agents, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 374.700, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, and 374.787, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 374.700, 374.705, 374.706, 374.707, 374.710, 374.715, 374.716, 374.720, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.761, 374.764, 374.773, 374.783, 374.784, 374.785, 374.786, and 374.787, to read as follows:

374.700. As used in sections 374.695 to 374.789, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.695 to 374.789, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.695 to 374.789, and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(3) **"Board", the professional bail bonds board;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (4) "Department", the department of insurance, **financial institutions and professional**
11 **registration** of the state of Missouri;

12 [(4)] (5) "Director", the director of the department of insurance, **financial institutions**
13 **and professional registration**;

14 [(5)] (6) "General bail bond agent", a surety agent or a property bail bondsman, as
15 defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to
16 374.775 and who devotes at least fifty percent of his working time to the bail bond business in
17 this state;

18 [(6)] (7) "Insurer", any surety insurance company which is qualified by the department
19 to transact surety business in Missouri;

20 [(7)] (8) "Licensee", a bail bond agent or a general bail bond agent;

21 [(8)] (9) "Property bail bondsman", a person who pledges United States currency, United
22 States postal money orders or cashier's checks or other property as security for a bail bond in
23 connection with a judicial proceeding, and who receives or is promised therefor money or other
24 things of value;

25 [(9)] (10) "Surety bail bond agent", any person appointed by an insurer by power of
26 attorney to execute or countersign bail bonds in connection with judicial proceedings, and who
27 receives or is promised money or other things of value therefor;

28 [(10)] (11) "Surety recovery agent", a person not performing the duties of a sworn peace
29 officer who tracks down, captures and surrenders to the custody of a court a fugitive who has
30 violated a bail bond agreement, excluding a bail bond agent or general bail bond agent;

31 [(11)] (12) "Taking a bail" or "take bail", the acceptance by a person authorized to take
32 bail of the undertaking of a sufficient surety for the appearance of the defendant according to the
33 terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail
34 or take bail does not include the fixing of the amount of bail and no person other than a
35 competent court shall fix the amount of bail.

374.705. 1. The [department] **board** shall administer and enforce the provisions of
2 sections 374.695 to 374.789, prescribe the duties of its officers and employees with respect to
3 sections 374.695 to 374.789, and promulgate, pursuant to section 374.045 and chapter 536,
4 RSMo, such rules and regulations within the scope and purview of the provisions of sections
5 374.695 to 374.789 as the [director] **board** considers necessary and proper for the effective
6 administration and interpretation of the provisions of sections 374.695 to 374.789.

7 2. The [director] **board** shall set the amount of all fees authorized and required by the
8 provisions of sections 374.695 to 374.789 by rules and regulations promulgated pursuant to
9 chapter 536, RSMo. All such fees shall be set at a level designed to produce revenue which shall
10 not substantially exceed the cost and expense of administering the provisions of sections 374.695

11 to 374.789. However, such fees shall not exceed one hundred fifty dollars every two years for
12 biennial licenses and renewable licenses for general bail bond agents as provided for in section
13 374.710.

374.706. 1. There is hereby created and established a board to be known as the
2 **"Professional Bail Bonds Board" for the purpose of licensing, educating, supervising, and**
3 **disciplining all general bail bond agents, bail bond agents, and surety recovery agents in**
4 **this state. The board shall consist of nine members, including four licensed general bail**
5 **bond agents, two licensed bail bond agents, one licensed law enforcement officer, one**
6 **circuit court clerk, and one public member. Each member shall be a citizen of the United**
7 **States and a resident of this state for a period of at least one year next preceding his or her**
8 **appointment. Not more than five members shall be affiliated with the same political party.**

9 **2. In addition to the requirements established in subsection 1 of this section, the**
10 **public member of the board shall be at the time of his or her appointment:**

11 **(1) A registered voter;**

12 **(2) A person who is not and never was a member of the bail bonding or surety**
13 **recovery profession or the spouse of such person; and**

14 **(3) A person who does not have and never has had a material financial interest in**
15 **either the providing of professional services regulated under sections 374.695 to 374.789**
16 **or an activity or organization directly related to the licensed professions under such**
17 **sections.**

18 **3. The members of the board shall be appointed by the governor with the advice**
19 **and consent of the senate. Two of the four general bail bond agents and one of the bail**
20 **bond agents appointed to the board shall be selected from a list of recommended persons**
21 **submitted by any Missouri association representing the interests of professional bail bond**
22 **agents that is recognized by the Missouri department of insurance, financial institutions**
23 **and professional registration. For the initial term, three of the four members who are**
24 **general bail bond agents and the public member shall serve a term of two years. The**
25 **remaining general bail bond agent and law enforcement officer shall serve a term of three**
26 **years and the two bail bond agents and court administrator shall serve a term of four**
27 **years. Thereafter, appointments of all members shall be for four years. Any vacancy shall**
28 **be filled by appointment for the unexpired term. Each member of the board shall hold**
29 **office until such member's successor is appointed and qualified.**

30 **4. A member of the board is removable by the governor only for just cause, after**
31 **being given a written notice setting forth in substantial detail the charges against the**
32 **member and an opportunity to be heard publicly on the charges before the governor. A**

33 copy of the charge and a transcript of the record of the hearing shall be filed with the
34 secretary of state.

35 5. Each member of the board shall receive as compensation an amount set by the
36 board not to exceed seventy dollars for each day devoted to the affairs of the board. All
37 board members are entitled to reimbursement for necessary travel and other expenses
38 pertaining to the duties of the board.

39 6. The board shall elect from among its membership a chair and vice chair, who
40 shall act as chair in the chair's absence. It shall meet at the times and places specified by
41 call of the chair, the governor, or the director. At least one meeting shall be held every
42 three months. All regular meetings are open to the public. Notice of each meeting shall be
43 given in writing to each member by the director. Four members shall constitute a quorum
44 for the transaction of official business.

45 7. To assist in the performance of its duties, the board may employ staff from funds
46 appropriated for such purpose or deposited into the professional bail bonds board fund
47 created under subsection 8 of this section; provided, however, that such provision shall not
48 be interpreted to limit the ability of the director to provide assistance to the board. There
49 shall be a ten dollar fee, paid by the defendant, on any bond written by any licensed
50 general bail bond agent or bail bond agent in this state. The money received from the fee
51 shall be paid to the clerk of the court. The clerk shall make two dollars and fifty cents of
52 such fee payable to the county wherein such fees originated. The county shall use such
53 moneys only for the purpose of providing for the administration of the circuit court for
54 such county. The clerk shall make seven dollars and fifty cents of such fee payable to the
55 state treasurer. Of the seven dollars and fifty cents, five dollars shall be deposited into the
56 professional bail bonds board fund created under subsection 8 of this section and two
57 dollars and fifty cents shall be deposited into the legal defense and defender fund created
58 under section 600.090, RSMo. The ten dollar fee shall not be used when determining a
59 person's eligibility for services provided by the state public defender system under section
60 600.090, RSMo.

61 8. There is hereby created in the state treasury the "Professional Bail Bonds Board
62 Fund", which shall consist of moneys collected from the fee created under subsection 7 of
63 this section that are designated for the fund. The money in the fund shall be used to pay
64 the expenses incurred by the board to fulfill its duties, which may include employing staff
65 assistance. The state treasurer shall be custodian of the fund and may approve
66 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The
67 professional bail bonds board shall administer the fund. Any moneys remaining in the
68 fund at the end of the biennium shall revert to the credit of the general revenue fund. The

69 state treasurer shall invest moneys in the fund in the same manner as other funds are
70 invested. Any interest and moneys earned on such investments shall be credited to the
71 fund.

72 9. As part of the board's duty to educate all general bail bond agents, bail bond
73 agents, and surety recovery agents, the board shall establish annual educational
74 requirements for an association representing the interests of professional bail bond agents
75 recognized by the department of insurance, financial institutions and professional
76 registration, to provide initial and continuing education to such agents for licensing
77 requirements.

374.707. Upon notice of a forfeiture from the court, the board shall notify any
2 general bail bond agent who is listed as having a forfeited bond. Such attempt by the
3 board to notify the general bail bond agent shall be made by facsimile or electronic mail
4 within forty-eight hours of the forfeiture being listed with the department, excluding
5 official holidays and weekends.

6 374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no person or
7 other entity shall practice as a bail bond agent or general bail bond agent, as defined in section
8 374.700, in Missouri unless and until the [department] **board** has issued to him or her a license,
9 to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general
10 bail bond agent. **The board shall include the photograph of the bail bond agent or general**
11 **bail bond agent on the license.**

12 2. An applicant for a bail bond and general bail bond agent license shall submit with the
13 application proof that he or she has received twenty-four hours of initial basic training in areas
14 of instruction in subjects determined by the [director] **board** deemed appropriate to professionals
15 in the bail bond profession. Bail bond agents and general bail bond agents who are licensed at
16 the date which this act becomes law shall be exempt from such twenty-four hours of initial basic
17 training.

18 3. In addition to the twenty-four hours of initial basic training to become a bail bond
19 agent or general bail bond agent, there shall be eight hours of biennial continuing education for
20 all bail bond agents and general bail bond agents to maintain their state license. The [director]
21 **board** shall determine said appropriate areas of instruction for said biennial continuing
22 education. The [director] **board** shall determine which institutions, organizations, associations,
23 and individuals shall be eligible to provide the initial basic training and the biennial continuing
24 education instruction. The [department] **board** may allow state institutions, organizations,
25 associations, or individuals to provide courses for the initial basic training and the biennial
26 continuing education training. The cost shall not exceed two hundred dollars for the initial basic
27 training and one hundred fifty dollars for biennial continuing education.

28 4. Upon completion of said basic training or biennial continuing education and the
29 licensee meeting the other requirements as provided under sections 374.695 to 374.789, the
30 [director] **board** shall issue a two-year license for the bail bond agent or general bail bond agent
31 for a fee not to exceed one hundred fifty dollars.

32 5. **A licensee shall provide the name, address, and telephone number of each**
33 **employer for which he or she works or operates under as an independent contractor to the**
34 **board. A licensee shall have a continuing duty to provide notice to the board if such**
35 **information changes. It is unlawful for an agent to begin writing bond as an agent under**
36 **a new appointment with a different general bail bond agent or insurance company unless**
37 **such information with the board has been updated.**

38 6. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person from
39 posting or otherwise providing a bail bond in connection with any legal proceeding, provided
40 that such person receives no fee, remuneration or consideration therefor.

 374.715. 1. Applications for examination and licensure as a bail bond agent or general
2 bail bond agent shall be in writing and on forms prescribed and furnished by the [department]
3 **board**, and shall contain such information as the [department] **board** requires. Each application
4 shall be accompanied by proof satisfactory to the [department] **board** that the applicant is a
5 citizen of the United States, is at least twenty-one years of age, has a high school diploma or
6 general education development certificate (GED), is of good moral character, and meets the
7 qualifications for surety on bail bonds as provided by supreme court rule. Each application shall
8 be accompanied by the examination and application fee set by the [department] **board**.
9 Individuals currently employed as bail bond agents and general bail bond agents shall not be
10 required to meet the education requirements needed for licensure pursuant to this section.

11 2. In addition, each applicant for licensure as a general bail bond agent shall furnish
12 proof satisfactory to the [department] **board** that the applicant or, if the applicant is a
13 corporation, that each officer thereof has completed at least two years as a bail bond agent, and
14 that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly
15 executed assignment of ten thousand dollars to the state of Missouri. The assignment shall
16 become effective upon the applicant's violating any provision of sections 374.695 to 374.789.
17 The assignment required by this section shall be in the form and executed in the manner
18 prescribed by the [department] **board**. The [director] **board** may require by regulation
19 conditions by which additional assignments of assets of the general bail bond agent may occur
20 when the circumstances of the business of the general bail bond agent warrants additional funds.
21 However, such additional funds shall not exceed twenty-five thousand dollars.

 374.716. 1. Every bail bond agent shall account for each power of attorney assigned by
2 the general bail bond agent on a weekly basis and remit all sums collected and owed to the

3 general bail bond agent pursuant to his or her written contract. The general bail bond agent shall
4 maintain the weekly accounting and remittance records for a period of three years. Such records
5 shall be subject to inspection by the [director] **board** or [his or her] **its** designee during regular
6 business hours or at other reasonable times.

7 2. For every bond written in this state, the licensee shall provide to the principal a copy
8 of the bail contract.

374.720. 1. Each applicant for licensure as a general bail bond agent, after complying
2 with this section and the provisions of section 374.715, shall be issued a license by the
3 [department] **board** unless grounds exist under section 374.755 for denial of a license.

4 2. Each applicant for examination and licensure as a bail bond agent, after complying
5 with the provisions of section 374.715, shall appear for examination at the time and place
6 specified by the [department] **board**. Such examination shall be as prescribed by the [director
7 as provided under section 375.018, RSMo,] **board** and shall be designed to test the applicant's
8 knowledge and expertise in the area of surety bonds in general and the practice of a bail bond
9 agent, as defined in sections 374.700 to 374.775, in particular. The applicant shall be notified
10 of the result of the examination within twenty working days of the examination. Any applicant
11 who fails such examination may, upon reapplication and payment of the reexamination fee set
12 by the [department] **board**, retake the examination.

374.730. All licenses issued to bail bond agents and general bail bond agents under the
2 provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be
3 in the form and manner prescribed by the [department] **board** and shall be accompanied by the
4 renewal fee set by the [department] **board**.

374.735. 1. The [department] **board** may, in its discretion, grant a license without
2 requiring an examination to a bail bond agent who has been licensed in another state immediately
3 preceding his or her applying to the [department] **board**, if the [department] **board** is satisfied
4 by proof adduced by the applicant that:

5 (1) The qualifications of the other state are at least equivalent to the requirements for
6 initial licensure as a bail bond agent in this state pursuant to the provisions of sections 374.695
7 to 374.775, provided that the other state licenses Missouri residents in the same manner; and

8 (2) The applicant has no suspensions or revocations of a license to engage in the bail
9 bond or fugitive recovery business in any jurisdiction.

10 2. Every applicant for a license pursuant to this section, upon showing the necessary
11 qualifications as provided in this section, shall be required to pay the same fee as the fee required
12 to be paid by resident applicants.

13 3. Within the limits provided in this section, the [department] **board** may negotiate
14 reciprocal compacts with licensing entities of other states for the admission of licensed bail bond
15 agents from Missouri in other states.

16 4. All applicants applying for licenses in this state after the enactment of said act shall
17 complete the education requirement as stated in section 374.710. If the bail bond agent or
18 general bail bond agent has been licensed in another state and has a license in Missouri at the
19 time said act becomes law, said individual shall not be required to complete the twenty-four
20 hours of initial basic training.

 374.740. Any person applying to be licensed as a nonresident general bail bond agent
2 who has been licensed in another state shall devote fifty percent of his or her working time in the
3 state of Missouri and shall file proof with the [director of insurance] **board** as to his or her
4 compliance, and accompany his or her application with the fees set by the [director] **board** by
5 regulation and, if applying for a nonresident general bail bond agent's license, with a duly
6 executed assignment of twenty-five thousand dollars to the state of Missouri, which assignment
7 shall become effective upon the applicant's violating any provision of sections 374.695 to
8 374.789. Failure to comply with this section will result in revocation of the nonresidence
9 license. The assignment required by this section shall be in the form and executed in the manner
10 prescribed by the [department] **board**. All licenses issued pursuant to this section shall be
11 subject to the same renewal requirements set for other licenses issued pursuant to sections
12 374.695 to 374.789.

 374.750. The [department] **board** may refuse to issue or renew any license required
2 pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in
3 section 374.755. The [department] **board** shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his right to file a complaint with the administrative
5 hearing commission as provided by chapter 621, RSMo.

 374.755. 1. The [department] **board** may cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621, RSMo, against any holder of any
3 license required by sections 374.695 to 374.775 or any person who has failed to renew or has
4 surrendered his or her license for any one or any combination of the following causes:

5 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
6 beverage to an extent that such use impairs a person's ability to perform the work of the
7 profession licensed under sections 374.695 to 374.775;

8 (2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen years
9 in a criminal prosecution under any state or federal law for a felony or a crime involving moral
10 turpitude whether or not a sentence is imposed[, prior to issuance of license date];

- 11 (3) Use of fraud, deception, misrepresentation or bribery in securing any license or in
12 obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;
- 13 (4) Obtaining or attempting to obtain any compensation as a member of the profession
14 licensed by sections 374.695 to 374.775 by means of fraud, deception or misrepresentation;
- 15 (5) Misappropriation of the premium, collateral, or other things of value given to a bail
16 bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct, gross
17 negligence, fraud, or misrepresentation in the performance of the functions or duties of the
18 profession licensed or regulated by sections 374.695 to 374.775;
- 19 (6) Violation of any provision of or any obligation imposed by the laws of this state,
20 [department of insurance] **board** rules and regulations, or aiding or abetting other persons to
21 violate such laws, orders, rules or regulations, or subpoenas;
- 22 (7) Transferring a license or permitting another person to use a license of the licensee;
- 23 (8) Disciplinary action against the holder of a license or other right to practice the
24 profession regulated by sections 374.695 to 374.789 granted by another state, territory, federal
25 agency or country upon grounds for which revocation or suspension is authorized in this state;
- 26 (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;
- 27 (10) Assisting or enabling any person to practice or offer to practice the profession
28 licensed or regulated by sections 374.695 to 374.789 who is not currently licensed and eligible
29 to practice pursuant to sections 374.695 to 374.789;
- 30 (11) Acting in the capacity of an attorney at a trial or hearing of a person for whom the
31 attorney is acting as surety;
- 32 (12) Failing to provide a copy of the bail contract, renumbered written receipt for
33 acceptance of money, or other collateral for the taking of bail to the principal, if requested by any
34 person who is a party to the bail contract, or any person providing funds or collateral for bail on
35 the principal's behalf.
- 36 2. After the filing of such complaint, the proceedings shall be conducted in accordance
37 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
38 commission that one or more of the causes stated in subsection 1 of this section have been met,
39 the [director] **board** may suspend or revoke the license or enter into an agreement for a monetary
40 or other penalty pursuant to section 374.280.
- 41 3. In lieu of filing a complaint at the administrative hearing commission, the [director]
42 **board** and the bail bond agent or general bail bond agent may enter into an agreement for a
43 monetary or other penalty pursuant to section 374.280.
- 44 4. [In addition to any other remedies available, the director may issue a cease and desist
45 order or may seek an injunction in a court of competent jurisdiction pursuant to the provisions
46 of section 374.046 whenever it appears that any person is acting as a bail bond agent or general

47 bail bond agent without a license or violating any other provisions of sections 374.695 to
48 374.789] **Any bail bond agent or general bail bond agent who has his or her license revoked**
49 **by the board shall immediately return such license to the board.**

374.760. Each general bail bond agent shall file, between the first and tenth day of each
2 month, sworn affidavits with the [department] **board** stating that there are no unsatisfied
3 judgments against him. Such affidavits shall be in the form and manner prescribed by the
4 [department] **board**.

374.761. 1. A duly licensed bail bond agent in good standing with the board shall
2 **be qualified to write bail on behalf of a general bail bond agent in every municipal or**
3 **circuit court in this state in which the general bail bond agent who employs the agent or**
4 **directs the agent as an independent contractor is duly licensed and qualified to write bail**
5 **as provided by supreme court rule.**

6 **2. It is unlawful for a bail bond agent writing on behalf of an individual general**
7 **bail bond agent to fail to clearly disclose to the court, to the defendant, and in the bond, the**
8 **actual legal name of the individual general bail bond agent on behalf of whom the agent**
9 **is acting.**

374.763. 1. **A licensed bail bond agent shall have six months from the date of the**
2 **order and judgment of forfeiture to return the defendant to custody of the court and in**
3 **doing so, the court shall vacate the forfeiture and exonerate the bond.** If any final judgment
4 ordering forfeiture of a defendant's bond is not paid within a six-month period of time, the court
5 shall extend the judgment date or notify the [department] **board** of the failure to satisfy such
6 judgment. The [director] **board** shall draw upon the assets of the surety, remit the sum to the
7 court, and obtain a receipt of such sum from the court. The [director] **board** may take action as
8 provided by section 374.755, regarding the license of the surety and any bail bond agents writing
9 upon the surety's liability.

10 **2. The [department] board shall furnish to the presiding judge of each circuit court of**
11 **this state, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and**
12 **general bail bond agents whose licenses are not subject to pending suspension or revocation**
13 **proceedings, and who are not subject to unsatisfied bond forfeiture judgments. In lieu of such**
14 **list, the [department] board may provide this information to each presiding judge in an**
15 **electronic format.**

16 **3. All duly licensed and qualified bail bond agents and general bail bond agents shall be**
17 **qualified, without further requirement, to write bail upon a surety's liability in all courts of this**
18 **state as provided in rules promulgated by the supreme court of Missouri and not by any circuit**
19 **court rule.**

374.764. 1. The [director] **board** shall examine and inquire into all alleged violations or complaints filed with the [department of insurance] **board** of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in the state by any bail bond agent, general bail bond agent, or surety recovery agent.

2. The [director] **board** or any of [his or her] **its** duly appointed agents may compel the attendance before him or her, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees, or any other person in reference to the condition, affairs, management of the bail bond or surety recovery business, or any matters relating thereto. He or she may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts, or other documents if necessary.

3. The [director] **board** may make and conduct the investigation [in person] or the [director] **board** may appoint one or more persons to make and conduct the investigation. If made by a person other than the [director] **board**, the person duly appointed by the [director] **board** shall have the same powers as granted to the [director] **board** pursuant to this section. A certificate of appointment under the official seal of the [director] **board** shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the [director] **board** may employ the necessary clerical, actuarial, and other assistance.

374.773. Any licensed general bail bond agent or bail bond agent shall notify the board within ten days of pleading guilty to or being found guilty of a felony.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.783 to 374.789. Licensed bail bond agents and general bail bond agents may perform fugitive recovery without being licensed as a surety recovery agent.

2. The [director] **board** shall have authority to license all surety recovery agents in this state. The [director] **board** shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.783 to 374.789.

3. The [director] **board** shall have the power to:

(1) Set and determine the amount of the fees authorized and required pursuant to sections 374.783 to 374.789. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.783 to 374.789. However, such fees shall not exceed one hundred fifty dollars for a two-year license; and

(2) Determine the sufficient qualifications of applicants for a license.

4. The [director] **board** shall license for a period of two years all surety recovery agents in this state who meet the requirements of sections 374.783 to 374.789.

374.784. 1. Applications for examination and licensure as a surety recovery agent shall be submitted on forms prescribed by the [department] **board** and shall contain such information as the [department] **board** requires, along with a copy of the front and back of a photographic identification card.

2. Each application shall be accompanied by proof satisfactory to the [director] **board** that the applicant is a citizen of the United States, is at least twenty-one years of age, and has a high school diploma or a general educational development certificate (GED). An applicant shall furnish evidence of such person's qualifications by completing an approved surety recovery agent course with at least twenty-four hours of initial minimum training. The [director] **board** shall determine which institutions, organizations, associations, and individuals shall be eligible to provide said training. Said instructions and fees associated therewith shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

3. In addition to said twenty-four hours of initial minimum training, licensees shall be required to receive eight hours of biennial continuing education of which said instructions and fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

4. Applicants for surety recovery agents licensing shall be exempt from said requirements of the twenty-four hours of initial minimum training if applicants provide proof of prior training as a law enforcement officer with at least two years of such service within the ten years prior to the application being submitted to the [department] **board**.

5. The [director] **board** may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The [director] **board** shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621, RSMo.

374.785. 1. The [director] **board** shall issue a license for a period of two years to any surety recovery agent who is licensed in another jurisdiction and who:

(1) Has no violations, suspensions, or revocations of a license to engage in fugitive recovery in any jurisdiction; and

(2) Is licensed in a jurisdiction whose requirements are substantially equal to or greater than the requirements for a surety recovery agent license in Missouri at the time the applicant applies for a license.

2. Any surety recovery agent who is licensed in another state shall also be subject to the same training requirements as in-state surety recovery agents prescribe to under section 374.784.

11 3. For the purpose of surrender of the defendant, a surety recovery agent may apprehend
12 the defendant anywhere within the state of Missouri before or after the forfeiture of the
13 undertaking without personal liability for false imprisonment or may empower any surety
14 recovery agent to make apprehension by providing written authority endorsed on a certified copy
15 of the undertaking and paying the lawful fees.

16 4. Every applicant for a license pursuant to this section, upon making application and
17 showing the necessary qualifications as provided in this section, shall be required to pay the same
18 fee as required of resident applicants. Within the limits provided in this section, the [director]
19 **board** may negotiate reciprocal compacts with licensing entities of other states for the admission
20 of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.783 to 374.789 shall, before
2 the license renewal date, apply to the [director] **board** for renewal for the ensuing licensing
3 period. The application shall be made on a form furnished to the applicant and shall state the
4 applicant's full name, the applicant's business address, the address at which the applicant resides,
5 the date the applicant first received a license, and the applicant's surety recovery agent
6 identification number, if any.

7 2. A renewal form shall be mailed to each person licensed in this state at the person's last
8 known address. The failure to mail the renewal form or the failure of a person to receive it does
9 not relieve any person of the duty to be licensed and to pay the license fee required nor exempt
10 such person from the penalties provided for failure to be licensed.

11 3. Each applicant for renewal shall accompany such application with a renewal fee to be
12 paid to the [department] **board** for the licensing period for which renewal is sought.

13 4. The [director] **board** may refuse to renew any license required pursuant to sections
14 374.783 to 374.789 for any one or any combination of causes stated in section 374.787. The
15 [director] **board** shall notify the applicant in writing of the reasons for refusal to renew and shall
16 advise the applicant of his or her right to file a complaint with the administrative hearing
17 commission as provided by chapter 621, RSMo.

374.787. 1. The [director] **board** may cause a complaint to be filed with the
2 administrative hearing commission as provided by chapter 621, RSMo, against any surety
3 recovery agent or any person who has failed to renew or has surrendered his or her license for
4 any one or any combination of the following causes:

5 (1) Violation of any provisions of, or any obligations imposed by, the laws of this state,
6 the department of insurance rules and regulations, or aiding or abetting other persons to violate
7 such laws, orders, rules, or regulations;

8 (2) Final adjudication or a plea of guilty or nolo contendere in a criminal prosecution
9 under state or federal law for a felony or a crime involving moral turpitude, whether or not a
10 sentence is imposed;

11 (3) Using fraud, deception, misrepresentation, or bribery in securing a license or in
12 obtaining permission to take any examination required by sections 374.783 to 374.789;

13 (4) Obtaining or attempting to obtain any compensation as a surety recovery agent by
14 means of fraud, deception, or misrepresentation;

15 (5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety
16 recovery agent without a license;

17 (6) Incompetence, misconduct, gross negligence, fraud, or misrepresentation in the
18 performance of the functions or duties of a surety recovery agent;

19 (7) Having a license revoked or suspended that was issued by another state.

20 2. After the filing of the complaint, the proceedings shall be conducted in accordance
21 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
22 commission that one or more of the causes stated in subsection 1 of this section have been met,
23 the [director] **board** may suspend or revoke the license or enter into an agreement for a monetary
24 or other penalty pursuant to section 374.280.

25 3. In lieu of filing a complaint with the administrative hearing commission, the [director]
26 **board** and the surety recovery agent may enter into an agreement for a monetary or other penalty
27 pursuant to section 374.280.

28 4. In addition to any other remedies available, the [director] **board** may issue a cease and
29 desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever
30 it appears that any person is acting as a surety recovery agent without a license.

✓