

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2156

95TH GENERAL ASSEMBLY

5081L.05P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788, RSMo, and to enact in lieu thereof nineteen new sections relating to bail bond regulations, with penalty provisions and an effective date.

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

Section A. Sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.766, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788, to read as follows:

374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

2. No judge, attorney, court official, law enforcement officer, **or** state, county, or municipal employee who is either elected or appointed shall be licensed as a bail bond agent or a general bail bond agent. **No employee, contractor, or volunteer of a court or law enforcement agency, or anyone employed at the location of a jail, shall be licensed as a bail bond agent or general bail bond agent. The provisions of this subsection shall not apply to an attorney whose license status is inactive.**

3. A licensed bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail

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.

12 bond agent [or] and insurer. **The power of attorney shall be in the form and manner**
13 **prescribed by the director.**

14 4. A person licensed as an active bail bond agent shall hold the license for at least [two]
15 **four** years prior to owning or being an officer of a licensed general bail bond agent.

16 5. **A corporation, partnership, association, limited liability company, limited**
17 **liability partnership, or other legal entity shall not apply for a general bail bond agent**
18 **license unless operating as a surety bail bond agent.**

19 6. A general bail bond agent shall not engage in the bail bond business:

20 (1) Without having been licensed as a general bail bond agent pursuant to sections
21 374.695 to 374.775; or

22 (2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695
23 to 374.775.

24 [6.] 7. A general bail bond agent shall not permit any unlicensed person to solicit or
25 engage in the bail bond business on the general bail bond agent's behalf, except for individuals
26 who are employed solely for the performance of clerical, stenographic, investigative, or other
27 administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

28 [7.] 8. Any person who is convicted of a violation of this section is guilty of a class A
29 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this
30 section is guilty of a class D felony.

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

7 2. The director shall set the amount of all fees authorized and required by the provisions
8 of sections 374.695 to 374.789 by rules and regulations promulgated pursuant to chapter 536,
9 RSMo. All such fees shall be set at a level designed to produce revenue which shall not
10 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] **three** hundred [fifty] dollars every two
12 years for biennial licenses and renewable licenses for general bail bond agents as provided for
13 in section 374.710. **Fees for filing quarterly financial statements shall not exceed fifty**
14 **dollars per filing.**

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no person or
2 other entity shall practice as a bail bond agent or general bail bond agent, as defined in section
3 374.700, in Missouri unless and until the department has issued to him or her a license, to be

4 renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail
5 bond agent.

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

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

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

26 5. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person from
27 posting or otherwise providing a bail bond in connection with any legal proceeding, provided
28 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, and
3 shall contain such information as the department requires. Each application shall be
4 accompanied by proof satisfactory to the department that the applicant is a citizen of the United
5 States, is at least twenty-one years of age, has a high school diploma or general education
6 development certificate (GED), is of good moral character, and [meets the qualifications for
7 surety on bail bonds as provided by supreme court rule] **has not had a final adjudication or a
8 plea of guilty or nolo contendere in a criminal prosecution under any state or federal law
9 for a felony or a crime involving moral turpitude.** Each application shall be accompanied by
10 the examination and application fee set by the department. Individuals currently employed as
11 bail bond agents and general bail bond agents shall not be required to meet the education

12 requirements needed for licensure pursuant to this section. **The requirement to not have a final**
13 **adjudication or a plea of guilty or nolo contendere in a criminal prosecution under any**
14 **state or federal law for a felony or a crime involving moral turpitude shall not apply to bail**
15 **bond agents and general bail bond agents who are licensed on January 1, 2011.**

16 2. In addition, each applicant for licensure as a general bail bond agent shall furnish
17 proof satisfactory to the department that the applicant or, if the applicant is a corporation,
18 **partnership, association, limited liability company, limited liability partnership, or other**
19 **legal entity**, that each officer thereof has completed at least [two] **four** years as a bail bond
20 agent, and that the applicant [possesses liquid] **has transferred to and deposited with the**
21 **department, for the security of its outstanding surety bond obligations**, assets of at least ten
22 thousand dollars[, along with a duly executed assignment of ten thousand dollars to the state of
23 Missouri. The assignment shall become effective upon the applicant's violating any provision
24 of sections 374.695 to 374.789. The assignment required by this section shall be in the form and
25 executed in the manner prescribed by the department] **in the financial institution of the**
26 **department's choosing. Such deposits shall be in the form of cash, certificates of deposit,**
27 **bonds, or treasury notes issued by the United States, bonds of the state of Missouri, or**
28 **bonds of any school district or political subdivision of this state, and in all cases not to be**
29 **received at a rate above their par value, nor above their current market value.** The director
30 may require by regulation conditions by which additional [assignments of] assets of the general
31 bail bond agent may [occur] **be required** when the circumstances of the business of the general
32 bail bond agent [warrants] **warrant** additional funds. However, such additional funds shall not
33 exceed [twenty-five] **fifty** 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 or his or her designee during regular business hours
6 or at other reasonable times.

7 2. For every bond written in this state, the [licensee] **general bail bond agent** shall
8 provide to the [principal] **parties** a copy of the bail contract **and receipts for any funds paid.**

9 3. **For every bond written in this state in which the premium is financed by the**
10 **licensee, the licensee shall provide, in writing, to all parties of the contract the following:**

- 11 (1) **The bond amount;**
- 12 (2) **The premium amount agreed to by all parties;**
- 13 (3) **The terms of the financial agreement;**
- 14 (4) **A receipt for the acceptance of any money; and**

15 **(5) The date and signatures of all parties to the 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 unless grounds exist under section 374.755 for denial of a license] **appear for
4 examination at the time and place specified by the department. Such examination shall be
5 prescribed by the director as provided under section 375.018 and shall be designed to test
6 the applicant's knowledge and expertise in the area of surety bonds in general and the
7 practice of a general bail bond agent, as defined in sections 374.700 to 374.775, in
8 particular. The applicant shall be notified of the result of the examination within twenty
9 working days of the examination. Any applicant who fails such examination may, upon
10 reapplication and payment of the reexamination fee set by the department, retake the
11 examination.**

12 2. Each applicant for examination and licensure as a bail bond agent, after complying
13 with the provisions of section 374.715, shall appear for examination at the time and place
14 specified by the department. Such examination shall be as prescribed by the director as provided
15 under section 375.018, RSMo, and shall be designed to test the applicant's knowledge and
16 expertise in the area of surety bonds in general and the practice of a bail bond agent, as defined
17 in sections 374.700 to 374.775, in particular. The applicant shall be notified of the result of the
18 examination within twenty working days of the examination. Any applicant who fails such
19 examination may, upon reapplication and payment of the reexamination fee set by the
20 department, retake the examination.

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

5 **2. The department shall provide the director of the department of revenue with the
6 name and social security number of each:**

7 **(1) Bail bond agent, general bail bond agent, or surety recovery agent applicant for
8 licensure within one month of the date the application is filed; and**

9 **(2) Bail bond agent, general bail bond agent, or surety recovery agent licensee
10 applying for renewal at least one month prior to the anticipated renewal of the bail bond
11 agent's, general bail bond agent's, or surety recovery agent's license. The director of the
12 department of revenue shall verify if the applicant or licensee is delinquent on any state
13 taxes or has failed to file state income tax returns in the last three years. If such
14 information is verified, the director of the department of revenue shall send notice to the
15 department and the licensee or applicant. In the case of such delinquency or failure to file,**

16 **the applicant's or licensee's license shall be revoked within ninety days after notice of such**
17 **delinquency or failure to file, unless the director of the department of revenue verifies that**
18 **such delinquency or failure has been remedied or arrangements have been made to achieve**
19 **such remedy. An applicant or licensee shall be considered to have paid his or her state**
20 **taxes under this section for tax liability paid in protest or reasonably founded disputes with**
21 **such liability.**

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 the department of insurance, financial
4 institutions and professional registration as to his or her compliance, and accompany his or her
5 application with the fees set by the director by regulation [and, if applying for a nonresident
6 general bail bond agent's license, with a duly executed assignment of] . **Nonresident general**
7 **bail bond agents shall also transfer and deposit with the department, for the security of its**
8 **outstanding surety bond obligations, assets of** twenty-five thousand dollars [to the state of
9 Missouri, which assignment shall become effective upon the applicant's violating any provision
10 of sections 374.695 to 374.789. Failure to comply with this section will result in revocation of
11 the nonresidence license. The assignment required by this section shall be in the form and
12 executed in the manner prescribed by the department]. **These assets shall be held in a Missouri**
13 **financial institution of the department's choosing. Such deposits shall be held in the form**
14 **of cash, certificates of deposit, bonds or treasury notes issued by the United States, bonds**
15 **of the state of Missouri, or bonds of any school district or political subdivision of this state,**
16 **and in all cases not to be received at a rate above their par value, nor above their current**
17 **market value. The director may require by rule conditions by which additional assets of**
18 **the general bail bond agent may be required when the circumstances of the business of the**
19 **nonresident general bail bond agent warrant additional funds. However, such additional**
20 **assets shall not exceed fifty thousand dollars.** All licenses issued pursuant to this section shall
21 be subject to the same renewal requirements set for other licenses issued pursuant to sections
22 374.695 to 374.789.

374.755. 1. The department may cause a complaint to be filed with the administrative
2 hearing commission as provided by chapter 621, RSMo, against any holder of any license
3 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, **financial**
17 **irresponsibility, untrustworthiness,** misconduct, gross negligence, fraud, or misrepresentation
18 in the performance of the functions or duties of the profession licensed or regulated by sections
19 374.695 to 374.775;

20 (6) Violation of any provision of or any obligation imposed by the laws of this state,
21 department of insurance, financial institutions and professional registration rules and regulations,
22 or aiding or abetting other persons to violate such laws, orders, rules or regulations, or
23 subpoenas;

24 (7) Transferring a license or permitting another person to use a license of the licensee;

25 (8) Disciplinary action against the holder of a license or other right to practice the
26 profession regulated by sections 374.695 to 374.789 granted by another state, territory, federal
27 agency or country upon grounds for which revocation or suspension is authorized in this state;

28 (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

29 (10) Assisting or enabling any person to practice or offer to practice the profession
30 licensed or regulated by sections 374.695 to 374.789 who is not currently licensed and eligible
31 to practice pursuant to sections 374.695 to 374.789;

32 (11) Acting in the capacity of an attorney at a trial or hearing of a person for whom the
33 attorney is acting as surety;

34 (12) Failing to provide a copy of the bail contract, [renumbered] **prenumbered** written
35 receipt for acceptance of money, or other collateral for the taking of bail to the principal, if
36 requested by any person who is a party to the bail contract, or any person providing funds or
37 collateral for bail on the principal's behalf;

38 **(13) Submitting a fraudulent, deceptive, or misleading financial statement or**
39 **statement of outstanding bonds to the department or a court in this state.**

40 2. After the filing of such complaint, the proceedings shall be conducted in accordance
41 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
42 commission that one or more of the causes stated in subsection 1 of this section have been met,

43 the director may suspend or revoke the license or enter into an agreement for a monetary or other
44 penalty pursuant to section 374.280.

45 3. In lieu of filing a complaint at the administrative hearing commission, the director and
46 the bail bond agent or general bail bond agent may enter into an agreement for a monetary or
47 other penalty pursuant to section 374.280.

48 4. In addition to any other remedies available, the director may issue a cease and desist
49 order or may seek an injunction in a court of competent jurisdiction pursuant to the provisions
50 of section 374.046 whenever it appears that any person is acting as a bail bond agent or general
51 bail bond agent without a license or violating any other provisions of sections 374.695 to
52 374.789.

374.757. 1. Any agent licensed by sections 374.695 to [374.775] **374.789** who intends
2 to apprehend any person in this state shall inform law enforcement authorities in the city or
3 county in which such agent intends such apprehension, before attempting such apprehension.
4 Such agent shall present to the local law enforcement authorities a certified copy of the bond and
5 all other appropriate paperwork identifying the principal and the person to be apprehended.
6 Local law enforcement may accompany the agent. Failure of any agent to whom this section
7 applies to comply with the provisions of this section shall be a class A misdemeanor for the first
8 violation and a class D felony for subsequent violations; and shall also be a [violation of] **cause**
9 **for discipline under** section 374.755 **or 374.787** and may in addition be punished pursuant to
10 that section.

11 2. The surety recovery agent shall inform the local law enforcement in the county or city
12 where such agent is planning to enter a residence. Such agent shall have a certified copy of the
13 bond and all appropriate paperwork to identify the principal. Local law enforcement, when
14 notified, may accompany the surety recovery agent to that location to keep the peace if an active
15 warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law
16 enforcement officers may accompany the surety recovery agent to such location. Failure to
17 report to the local law enforcement agency is a class A misdemeanor. For any subsequent
18 violations, failure to report to the local law enforcement agency is a class D felony.

374.760. 1. Each general bail bond agent shall file, [between the first and tenth day of
2 each month, sworn affidavits with the department stating that there are no unsatisfied judgments
3 against him. Such affidavits shall be in the form and manner prescribed by the department] **with**
4 **the initial application for licensure and annually with the March thirty-first quarterly**
5 **financial statement thereafter, the following information:**

6 (1) A financial statement in a form determined by the department to be used as
7 proof of security for bail bonds written in this state. Acceptable assets for security consist
8 of the following:

- 9 (a) Real estate located in the state of Missouri;
- 10 (b) Certificates of deposit issued by a FDIC-insured or NCUA-insured financial
- 11 institution located in the state of Missouri or cash held on deposit by such institutions;
- 12 (c) Amounts of joint deposit in accordance with subsection 2 of section 374.715 or
- 13 section 374.740; or
- 14 (d) Any asset that is not in the form of real estate, cash, or certificates of deposit
- 15 issued by a FDIC-insured or NCUA-insured financial institution that has been specifically
- 16 approved by the department;
- 17 (2) If the property used as an asset is real estate, the general bail bond agent shall
- 18 submit to the department:
- 19 (a) A complete real estate appraisal conducted within the last two years by a
- 20 Missouri licensed real estate appraiser showing the total market value of the property and
- 21 a general description of such property or a true copy of the current real estate tax
- 22 assessment thereof;
- 23 (b) An ownership and encumbrance report from a Missouri licensed title company;
- 24 and
- 25 (c) When applicable, a copy of the mortgage statement from any federal or state
- 26 financial institution showing the amounts due under any obligations secured by liens or
- 27 similar encumbrances against the real estate, including any delinquent taxes, within one
- 28 year of the date of submission. At its discretion, the department may require additional
- 29 documentation to verify these amounts;
- 30 (3) Each general bail bond agent shall notify the director within ten days of any
- 31 transfer or encumbrance of real estate included in the general bail bond agent's statement
- 32 of assets;
- 33 (4) If the property used as an asset is a certificate of deposit or cash, a true and
- 34 complete copy of a bank statement or other documentation from a financial institution
- 35 dated within one month of the date of submission showing the value of the account shall
- 36 be submitted as verification.
- 37 2. Each general bail bond agent shall file a quarterly financial statement within
- 38 thirty days of the end of each calendar quarter after initial licensure as a general bail bond
- 39 agent or more often if so directed by the department. Each general bail bond agent shall
- 40 file a statement of outstanding bonds with the department within five days of the first day
- 41 of each month. Such statement of outstanding bonds shall be in the form and manner
- 42 prescribed by the department. Failure to file the quarterly financial statement or monthly
- 43 statement of outstanding bonds will result in immediate removal of the general bail bond

agent from the preapproved list of general bail bond agents kept by the department and is a cause to file a complaint against the general bail bond agent under section 374.755.

(1) To verify the value of the quarterly reported assets and liabilities, the general bail bond agent shall submit copies of the monthly bank statements reporting the value of the reported certificates of deposit and cash balances received since the initial application or prior quarterly financial statement filed with the department. The general bail bond agent may, at his or her discretion, submit updated appraisals as often as desired to support the market value of any real estate.

(2) The amount of bonds a general bail bond agent may issue shall not exceed the limitations set forth in subsections 3 and 4 of this section. The department may, at its discretion, request copies of all issued bonds reported on the statement of outstanding bonds.

3. The director shall provide a list of all preapproved general bail bond agents to the courts in a form and manner prescribed by the director on at least a monthly basis. A general bail bond agent shall be preapproved to write outstanding bonds totaling fifteen times the general bail bond agent's assets less encumbrances. When the amount of a general bail bond agent's outstanding bonds is equal to or greater than fifteen times the general bail bond agent's assets less encumbrances, the general bail bond agent shall be removed from the preapproved list until the general bail bond agent can demonstrate to the department that either the amount of outstanding bonds has been reduced below fifteen times the amount of the general bail bond agent's assets or that additional assets have been secured to allow outstanding bonds to fall below fifteen times the amount of the general bail bond agent's assets. Such additionally secured assets shall be submitted on a revised quarterly financial statement with the appropriate supporting documentation. The department shall update the preapproved list of general bail bond agents on at least a monthly basis.

4. For general bail bond agents acting as property bail bondsmen, the value of any particular bond issued shall not exceed fifty percent of the general bail bond agent's secured assets less encumbrances unless specifically approved by the court. The general bail bond agent shall, within ten days of its issuance, notify the department and provide a copy of such bond and the court's approval.

5. Intentionally providing fraudulent, deceptive, or misleading financial statements or statements of outstanding bonds to the department or a court in this state is a class D felony.

374.763. 1. [If any final judgment ordering forfeiture of a defendant's bond is not paid within a six-month period of time, the court shall extend the judgment date or notify the

3 department of the failure to satisfy such judgment.] **If a bond is posted by a surety, who**
4 **charges or receives compensation for signing a bond, and the defendant fails to appear at**
5 **a required court appearance, the court shall enter a bond forfeiture in favor of the state**
6 **or municipality and against the general bail bond agent and insurer and shall immediately**
7 **issue a warrant for arrest for the defendant. The general bail bond agent shall be allowed**
8 **at least ninety days after the defendant's failure to appear before a forfeiture shall be**
9 **considered a final judgment, subject to the provisions set forth in this section. The**
10 **forfeiture automatically becomes a final judgment on the ninetieth day unless the court**
11 **extends the time for final judgment entry. The clerk of the court shall immediately provide**
12 **notice of the forfeiture order to the general bail bond agent or insurer at the address on file**
13 **with the court. This section shall apply to all divisions of the circuit court hearing such**
14 **matters, including municipal divisions.**

15 **2. At any time, upon request of the general bail bond agent, bail bond agent, or**
16 **surety recovery agent, the clerk of the court shall, for the usual cost for certified copies,**
17 **provide a certified copy of the bond to such agent.**

18 **3. The court shall extend the date for entry of final judgment no less than ninety**
19 **additional days, if the agent tenders to the court the full amount of the criminal appearance**
20 **bond.**

21 **4. The forfeiture order shall be set aside, if before final judgment or within thirty**
22 **days after the date of final judgment, the general bail bond agent establishes:**

23 **(1) The defendant is incarcerated somewhere in the United States and is**
24 **unavailable for return to the court;**

25 **(2) The defendant was incarcerated somewhere in the United States after the date**
26 **the defendant failed to appear but prior to the date of final judgment;**

27 **(3) The defendant is being held in another jurisdiction and has asked the court for**
28 **leave to return to the court issuing the warrant;**

29 **(4) The defendant has been deported;**

30 **(5) The defendant has died; or**

31 **(6) Other just causes accepted by the court.**

32 **5. When the judgment under this section is final, the clerk of the court shall**
33 **immediately notify the department. Except in municipal divisions, when the judgment is**
34 **final, the clerk of the court shall file a copy of the final judgment in the office of the clerk**
35 **of the circuit court. The clerk of the circuit court shall file such judgment and enter it in**
36 **the record of the circuit court for judgments and decrees under the procedure prescribed**
37 **for filing transcripts of judgments.**

38 **6. Unless notice of appeal of the final judgment is filed, thirty days after final**
39 **judgment, the court shall distribute the amount tendered in accordance with the law and**
40 **notify the department of the satisfaction. If notice of appeal is filed, the amount tendered**
41 **shall not be distributed, and shall remain as tendered to the court pending appeal.**

42 **7. Thirty days after final judgment, if the bond forfeiture has not been paid, the**
43 **general bail bond agent's authorization to write bail bonds in the state of Missouri shall**
44 **immediately be suspended until that judgment has been satisfied, vacated, or otherwise**
45 **discharged by order of the court and** the director shall draw upon the assets of the surety,
46 remit the sum to the court, and obtain a receipt of such sum from the court. The director may
47 take action as provided by section 374.755, regarding the license of the surety and any bail bond
48 agents writing upon the surety's liability. **The department shall notify the courts when a**
49 **general bail bond agent's authorization to write bail bonds in the state of Missouri has been**
50 **suspended and when it has been reinstated.**

51 **8. Thirty days after final judgment, if an insurer fails to pay a bond forfeiture, the**
52 **insurer's authorization to transact surety business in the state of Missouri shall**
53 **immediately be suspended until that judgment has been satisfied, vacated, or otherwise**
54 **discharged by order of the court. The department shall notify the courts when an insurer's**
55 **authorization to transact surety business in the state of Missouri has been suspended and**
56 **when it has been reinstated.**

57 **[2.] 9.** The department shall furnish to the presiding judge of each circuit court of this
58 state, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and
59 general bail bond agents whose licenses are not subject to pending suspension or revocation
60 proceedings, and who are not subject to unsatisfied bond forfeiture judgments. In lieu of such
61 list, the department may provide this information to each presiding judge in an electronic format.

62 **[3.] 10.** All duly licensed and qualified bail bond agents and general bail bond agents
63 shall be qualified, without further requirement, to write bail upon a surety's liability in all courts
64 of this state as provided in rules promulgated by the supreme court of Missouri and not by any
65 circuit court rule. **In all cases where the court has set a bond requiring a percentage deposit,**
66 **a licensed surety may satisfy such bond by posting a surety bond in the full face amount**
67 **of the bond.**

374.766. 1. If the director determines that a person has engaged in or is engaging
2 **in an act, practice, or course of business constituting a violation of sections 374.702 to**
3 **374.789 or a rule adopted or order issued or pursuant thereto, or that a person has**
4 **materially aided or is materially aiding an act, omission, or course of constituting a**
5 **violation of sections 374.702 to 374.789 or a rule adopted or order pursuant thereto, the**
6 **director may issue such administrative orders as authorized under section 374.046. A**

7 violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, and 374.789 is a
8 level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a
9 level three violation under section 374.049. A violation of section 374.788 is a level four
10 violation under section 374.049.

11 2. If the director believes that a person has engaged in or is engaging in an act,
12 practice, or course of business constituting a violation of sections 374.702 to 374.789 or a
13 rule adopted or order issued pursuant thereto, or that a person has materially aided or is
14 materially aiding an act practice, omission, or course of business constituting a violation
15 of sections 374.702 to 374.789 or a rule adopted or order issued pursuant thereto, the
16 director may maintain a civil action for relief authorized under section 374.048. A
17 violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, or 374.789 is a
18 level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a
19 level three violation under section 374.049. A violation of section 374.788 is a level four
20 violation under section 374.049.

374.770. [1. If there is a breach of the contract of the bond, the court in which the case
2 is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that
3 the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered
4 because the defendant is incarcerated somewhere within the United States, the surety is
5 responsible for the return of the defendant. If bond forfeiture is ordered and the surety can
6 subsequently prove the defendant is incarcerated somewhere within the United States, then the
7 bond forfeiture shall be set aside and the surety be responsible for the return of the defendant.
8 When the surety notifies the court of the whereabouts of the defendant, a hold order shall be
9 placed by the court having jurisdiction on the defendant in the state in which the defendant is
10 being held.

11 2.] In all instances in which a bail bond agent or general bail bond agent duly licensed
12 by sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented
13 himself in violation of the condition of such bond, the bail bond agent or general bail bond agent
14 shall have the first opportunity to return such defendant to the proper court. If he is unable to
15 return such defendant, the state of Missouri shall return such defendant to the proper court for
16 prosecution, and all costs incurred by the state in so returning a defendant may be levied against
17 the bail bond agent or general bail bond agent in question.

374.775. [When issuing bonds of one thousand dollars or less, licensed bail bond agents
2 or general bail bond agents may charge a minimum premium of fifty dollars. In connection with
3 such] **For bonds of one thousand dollars or less, except for the initial premium agreed to,**
4 no bail bond agent, general bail bond agent, or corporation shall charge or receive any additional
5 fee for investigations or services rendered in connection with the execution of the bond.

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 shall have authority to license all surety recovery agents in this state. The director 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 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] **three** hundred [fifty] dollars for a two-year license; and

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

4. The director 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 and shall contain such information as the department 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 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] **forty** hours of initial minimum training. The director 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.

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

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

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

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

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

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

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

 374.788. 1. A bail bond agent having probable grounds to believe a subject free on his
2 or her bond has failed to appear as directed by a court, has breached the terms of the subject's
3 surety agreement, or has taken a substantial step toward absconding may utilize all lawful means
4 to apprehend the subject. To surrender a subject to a court, a licensed bail bond or surety
5 recovery agent having probable grounds to believe the subject is free on his or her bond may:

6 (1) Detain the subject in a lawful manner, for a reasonable time, provided that in the
7 event travel from another state is involved, the detention period may include reasonable travel
8 time not to exceed seventy-two hours;

9 (2) Transport a subject in a lawful manner from **another** state to **within the state of**
10 **Missouri**, and **from** county to county to a place of authorized surrender; and

11 (3) Enter upon private or public property in a lawful manner to execute apprehension of
12 a subject.

13 2. A surety recovery agent who apprehends a subject pursuant to the provisions of
14 subsection 1 of this section shall surrender custody of the subject to the court of jurisdiction.

15 3. When a surety recovery agent is in the process of performing fugitive recovery, a
16 photographic identification card shall be prominently displayed on his or her person.

17 **4. For the purpose of surrender of the defendant, a bail bond agent may apprehend**
18 **the defendant anywhere within the state of Missouri before or after the forfeiture of the**
19 **undertaking without personal liability for false imprisonment or may empower any surety**
20 **recovery agent to make apprehension by providing written authority endorsed on a**
21 **certified copy of the undertaking and paying the lawful fees.**

Section B. Section A of this act shall become effective January 1, 2011.

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