

SECOND REGULAR SESSION

# HOUSE BILL NO. 3111

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PHELPS.

6756H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 374.051, 374.695, 374.700, 374.702, 374.705, 374.710, 374.711, 374.715, 374.716, 374.717, 374.719, 374.720, 374.730, 374.740, 374.750, 374.755, 374.757, 374.759, 374.760, 374.763, 374.764, 374.770, 374.775, 374.783, 374.784, 374.785, 374.786, 374.787, 374.788, and 374.789, RSMo, and to enact in lieu thereof thirty-one new sections relating to the professional bail bondsman and surety recovery agent licensure act, with penalty provisions.

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

Section A. Sections 374.051, 374.695, 374.700, 374.702, 374.705, 374.710, 374.711, 2 374.715, 374.716, 374.717, 374.719, 374.720, 374.730, 374.740, 374.750, 374.755, 374.757, 3 374.759, 374.760, 374.763, 374.764, 374.770, 374.775, 374.783, 374.784, 374.785, 374.786, 4 374.787, 374.788, and 374.789, RSMo, are repealed and thirty-one new sections enacted in 5 lieu thereof, to be known as sections 324.2100, 324.2103, 324.2106, 324.2109, 324.2112, 6 324.2115, 324.2118, 324.2121, 324.2124, 324.2127, 324.2130, 324.2133, 324.2136, 7 324.2139, 324.2142, 324.2145, 324.2148, 324.2151, 324.2154, 324.2157, 324.2160, 8 324.2163, 324.2166, 324.2169, 324.2172, 324.2175, 324.2178, 324.2181, 324.2184, 9 324.2187, and 374.051, to read as follows:

[374.695.] **324.2100.** Sections [~~374.695 to 374.789~~] **324.2100 to 324.2187** may be 2 known and shall be cited as the "Professional Bail Bondsman and Surety Recovery Agent 3 Licensure Act".

[374.700.] **324.2103.** As used in sections [~~374.695 to 374.789~~] **324.2100 to 324.2187**, 2 the following terms shall mean:

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.

3 (1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is  
4 duly licensed pursuant to the provisions of sections [~~374.695 to 374.789~~] **324.2100 to**  
5 **324.2187**, is employed by and is working under the authority of a licensed general bail bond  
6 agent;

7 (2) "Bail bond or appearance bond", a bond for a specified monetary amount which is  
8 executed by the defendant and a qualified licensee pursuant to sections [~~374.695 to 374.789~~]  
9 **324.2100 to 324.2187**, and which is issued to a court or authorized officer as security for the  
10 subsequent court appearance of the defendant upon the defendant's release from actual  
11 custody pending the appearance;

12 (3) **"Board", the board of professional surety bail bond agents established in**  
13 **section 324.2106;**

14 (4) "Department", the department of commerce and insurance of the state of  
15 Missouri;

16 [~~(4)~~] (5) "Director", the director of the **division of professional registration of the**  
17 department of commerce and insurance;

18 [~~(5)~~] (6) **"Division", the division of professional registration of the department of**  
19 **commerce and insurance;**

20 (7) "General bail bond agent", a surety agent or a property bail bondsman, as defined  
21 in sections [~~374.700 to 374.775~~] **324.2103 to 324.2166**, who is licensed in accordance with  
22 sections [~~374.700 to 374.775~~] **324.2103 to 324.2166** and who devotes at least fifty percent of  
23 his **or her** working time to the bail bond business in this state;

24 [~~(6)~~] (8) "Insurer", any surety insurance company which is qualified by the  
25 department to transact surety business in Missouri;

26 [~~(7)~~] (9) "Licensee", a bail bond agent or a general bail bond agent;

27 [~~(8)~~] (10) "Property bail bondsman", a person who pledges United States currency,  
28 United States postal money orders or cashier's checks or other property as security for a bail  
29 bond in connection with a judicial proceeding, and who receives or is promised therefor  
30 money or other things of value;

31 [~~(9)~~] (11) "Surety bail bond agent", any person appointed by an insurer by power of  
32 attorney to execute or countersign bail bonds in connection with judicial proceedings, and  
33 who receives or is promised money or other things of value therefor;

34 [~~(10)~~] (12) "Surety recovery agent", a person not performing the duties of a sworn  
35 peace officer who tracks down, captures and surrenders to the custody of a court a fugitive  
36 who has violated a bail bond agreement, excluding a bail bond agent or general bail bond  
37 agent;

38 [~~(11)~~] (13) "Taking a bail" or "take bail", the acceptance by a person authorized to  
39 take bail of the undertaking of a sufficient surety for the appearance of the defendant

40 according to the terms of the undertaking or that the surety will pay to the court the sum  
41 specified. Taking of bail or take bail does not include the fixing of the amount of bail and no  
42 person other than a competent court shall fix the amount of bail.

**324.2106. 1. The "Board of Professional Surety Bail Bond Agents" is hereby  
2 created within the division of professional registration. The board shall be a body  
3 corporate and may sue and be sued. The board shall guide, advise, and make  
4 recommendations to the division and fulfill all other responsibilities designated by  
5 sections 324.2100 to 324.2187. The duties and responsibilities of the board shall not take  
6 full force and effect until such time as the governor appoints the members of the board  
7 and the appointments are confirmed by the senate.**

**8 2. Upon appointment by the governor and confirmation by the senate of the  
9 members of the board, the board shall assume the duties and responsibilities assigned to  
10 it under sections 324.2100 to 324.2187.**

**11 3. All rules and regulations promulgated under sections 374.695 to 374.789 shall  
12 continue to be effective and shall be deemed to be duly adopted rules and regulations of  
13 the board until revised, amended, or repealed by the board. The board shall review  
14 such rules and regulations and shall adopt new rules and regulations as required for the  
15 administration of sections 324.2100 to 324.2187.**

**16 4. Any person licensed under sections 374.695 to 374.789 before the appointment  
17 by the governor and confirmation by the senate of the members of the board shall be  
18 considered licensed by the board.**

**19 5. The board shall be composed of seven members appointed by the governor  
20 with the advice and consent of the senate. Three members shall have been actively  
21 engaged in the general bail bond business for the five years immediately preceding their  
22 appointment, one member shall be a member of the judiciary, one member shall be a  
23 law enforcement officer, and two members shall be licensed bail bond or surety recovery  
24 agents. Each member of the board shall be a citizen of the United States, a resident of  
25 this state for at least one year, and a registered voter. No more than one private bail  
26 bond board member shall be employed by, or affiliated with, the same bail bond agency  
27 or business organization.**

**28 6. The members shall be appointed for terms of five years, except of the first two  
29 members appointed who are bail bond or surety recovery agents, one member shall be  
30 appointed for a term of five years and one member shall be appointed for a term of  
31 three years. Any vacancy on the board shall be filled for the unexpired term of the  
32 member.**

33           7. The members of the board may receive compensation, as determined by the  
34 director for their services, if appropriate, and shall be reimbursed for actual and  
35 necessary expenses incurred in performing their official duties on the board.

36           8. (1) There is hereby created in the state treasury the "Board of Professional  
37 Surety Bail Bond Agents Fund", which shall consist of moneys collected under sections  
38 324.2100 to 324.2187. The state treasurer shall be custodian of the fund. In accordance  
39 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The  
40 fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be  
41 used solely for the administration of sections 324.2100 to 324.2187.

42           (2) Notwithstanding the provisions of section 33.080 to the contrary, moneys in  
43 this fund shall not be transferred and placed to the credit of general revenue until the  
44 amount in the fund at the end of the biennium exceeds three times the amount of the  
45 appropriation from the fund for the preceding fiscal year. The amount, if any, in the  
46 fund that shall lapse is that amount in the fund that exceeds the appropriate multiple of  
47 the appropriations from the fund for the preceding fiscal year.

48           (3) The state treasurer shall invest moneys in the fund in the same manner as  
49 other funds are invested. Any interest and moneys earned on such investments shall be  
50 credited to the fund.

~~[374.702.]~~ **324.2109.** 1. No person shall engage in the bail bond business as a bail  
2 bond agent or a general bail bond agent without being licensed as provided in sections  
3 ~~[374.695 to 374.775]~~ **324.2100 to 324.2166.**

4           2. No judge, attorney, court official, law enforcement officer, state, county, or  
5 municipal employee who is either elected or appointed shall be licensed as a bail bond agent  
6 or a general bail bond agent.

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

11           4. A person licensed as an active bail bond agent shall hold the license for at least two  
12 years prior to owning or being an officer of a licensed general bail bond agent.

13           5. A general bail bond agent shall not engage in the bail bond business:

14           (1) Without having been licensed as a general bail bond agent pursuant to sections  
15 ~~[374.695 to 374.775]~~ **324.2100 to 324.2166**; or

16           (2) Except through an agent licensed as a bail bond agent pursuant to sections  
17 ~~[374.695 to 374.775]~~ **324.2100 to 324.2166.**

18           6. A general bail bond agent shall not permit any unlicensed person to solicit or  
19 engage in the bail bond business on the general bail bond agent's behalf, except for

20 individuals who are employed solely for the performance of clerical, stenographic,  
21 investigative, or other administrative duties which do not require a license pursuant to  
22 sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187**.

23 7. Any person who is convicted of a violation of this section is guilty of a class A  
24 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of  
25 this section is guilty of a class E felony.

~~[374.705.]~~ **324.2112.** 1. The ~~[department shall administer and enforce the provisions~~  
2 ~~of sections 374.695 to 374.789, prescribe the duties of its officers and employees with respect~~  
3 ~~to sections 374.695 to 374.789, and]~~ **board shall** promulgate, pursuant to ~~[section 374.045~~  
4 ~~and]~~ chapter 536, such rules and regulations within the scope and purview of the provisions of  
5 sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187** as the ~~[director]~~ **board** considers  
6 necessary and proper for the effective administration and interpretation of the provisions of  
7 sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187**.

8 2. The ~~[director]~~ **board** shall set the amount of all fees authorized and required by the  
9 provisions of sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187** by rules and regulations  
10 promulgated pursuant to chapter 536. All such fees shall be set at a level designed to produce  
11 revenue which shall not substantially exceed the cost and expense of administering the  
12 provisions of sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187**. However, such fees shall  
13 not exceed one hundred fifty dollars every two years for biennial licenses and renewable  
14 licenses for general bail bond agents as provided for in section ~~[374.710]~~ **324.2115**.

15 **3. For the purposes of sections 324.2100 to 324.2187, the division shall:**

16 **(1) Employ board personnel within the limits of the appropriations for that**  
17 **purpose as established in sections 324.2100 to 324.2187;**

18 **(2) Exercise all administrative functions; and**

19 **(3) Deposit all fees collected under sections 324.2100 to 324.2187 by transmitting**  
20 **such funds to the department of revenue for deposit in the state treasury to the credit of**  
21 **the board of professional surety bail bond agents fund established in section 324.2106.**

22 **4. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
23 **created under the authority delegated in this section shall become effective only if it**  
24 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
25 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
26 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
27 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
28 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
29 **28, 2026, shall be invalid and void.**

~~[374.710.]~~ **324.2115.** 1. Except as otherwise provided in sections ~~[374.695 to~~  
2 ~~374.775]~~ **324.2100 to 324.2166**, no person or other entity shall practice as a bail bond agent

3 or general bail bond agent, as defined in section ~~[374.700]~~ **324.2103**, in Missouri unless and  
4 until the ~~[department]~~ **board** has issued to him or her a license, to be renewed every two years  
5 as hereinafter provided, to practice as a bail bond agent or general bail bond agent.

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

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

23 4. Upon completion of said basic training or biennial continuing education and the  
24 licensee meeting the other requirements as provided under sections ~~[374.695 to 374.789]~~  
25 **324.2100 to 324.2187**, the ~~[director]~~ **board** shall issue a two-year license for the bail bond  
26 agent or general bail bond agent for a fee not to exceed one hundred fifty dollars.

27 5. Nothing in sections ~~[374.695 to 374.775]~~ **324.2100 to 324.2166** shall be construed  
28 to prohibit any person from posting or otherwise providing a bail bond in connection with any  
29 legal proceeding, provided that such person receives no fee, remuneration or consideration  
30 therefor.

~~[374.711.]~~ **324.2118.** 1. The ~~[department of commerce and insurance]~~ **board** may  
2 require that fingerprint submissions be made as part of an application seeking a license, or  
3 renewal of a license, for and as a general bail bond agent, a bail bond agent, or a surety  
4 recovery agent, as such terms are defined in section ~~[374.700]~~ **324.2103**.

5 2. If the ~~[department of commerce and insurance]~~ **board** requires that fingerprint  
6 submissions be made as part of such application, the ~~[department of commerce and insurance]~~  
7 **board** shall require applicants to submit the fingerprints to the Missouri state highway patrol  
8 for the purpose of conducting a state and federal fingerprint-based criminal history  
9 background check.

10           3. The fingerprints and any required fees shall be sent to the Missouri state highway  
11 patrol's central repository. The fingerprints shall be used for searching the state criminal  
12 records repository and shall also be forwarded to the Federal Bureau of Investigation for a  
13 federal criminal records search under section 43.540. The Missouri state highway patrol shall  
14 notify the ~~[department]~~ **board** of any criminal history record information or lack of criminal  
15 history record information discovered on the individual. Notwithstanding the provisions of  
16 section 610.120 to the contrary, all records related to any criminal history information  
17 discovered shall be accessible and available to the ~~[department]~~ **board**.

~~[374.715.]~~ **324.2121.** 1. Applications for examination and licensure as a bail bond  
2 agent or general bail bond agent shall be in writing and on forms prescribed and furnished by  
3 the ~~[department]~~ **board**, and shall contain such information as the ~~[department]~~ **board**  
4 requires. Each application shall be accompanied by proof satisfactory to the ~~[department]~~  
5 **board** that the applicant is a citizen of the United States, has a high school diploma or general  
6 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  
8 shall 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,  
14 and 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~~  
17 ~~374.789]~~ **324.2100 to 324.2187**. The assignment required by this section shall be in the form  
18 and executed in the manner prescribed by the ~~[department]~~ **board**. The ~~[director]~~ **board** may  
19 require by regulation conditions by which additional assignments of assets of the general bail  
20 bond agent may occur when the circumstances of the business of the general bail bond agent  
21 warrants additional funds. However, such additional funds shall not exceed twenty-five  
22 thousand dollars.

~~[374.716.]~~ **324.2124.** 1. Every bail bond agent shall account for each power of  
2 attorney assigned by the general bail bond agent on a weekly basis and remit all sums  
3 collected and owed to the general bail bond agent pursuant to his or her written contract. The  
4 general bail bond agent shall maintain the weekly accounting and remittance records for a  
5 period of three years. Such records shall be subject to inspection by the ~~[director or his or her~~  
6 ~~designee]~~ **board** during regular business hours or at other reasonable times.

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

~~[374.717.]~~ **324.2127.** No insurer or licensee, court, or law enforcement officer shall:

2           (1) Pay a fee or rebate or give or promise anything of value in order to secure a  
3 settlement, compromise, remission, or reduction of the amount of any bail bond to:

4           (a) A jailer, police officer, peace officer, committing judge, or any other person who  
5 has power to arrest or to hold in custody any person; or

6           (b) Any public official or public employee;

7           (2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters,  
8 except in defense of any action on a bond;

9           (3) Pay a fee or rebate or give anything of value to the principal or anyone on the  
10 principal's behalf;

11          (4) Accept anything of value from a principal except the premium and expenses  
12 incurred, provided that the licensee shall be permitted to accept collateral security or other  
13 indemnity from the principal in accordance with the provisions of section ~~[374.719]~~  
14 **324.2130.**

~~[374.719.]~~ **324.2130.** 1. A licensee may accept collateral security from the principal  
2 in a fiduciary capacity, which collateral shall be returned upon final termination of liability on  
3 the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered  
4 written receipt, which shall include a detailed account of the collateral received by the  
5 licensee. The acceptance of collateral security by a bail bond agent shall be reported to the  
6 general bail bond agent.

7           2. The collateral security required by the licensee shall be reasonable in relation to the  
8 amount of the bond.

9           3. If a failure to appear, absconding or attempting to abscond, or a judgment of  
10 forfeiture on the bond has occurred, the collateral security may be used to reimburse the  
11 licensee for any costs and expenses incurred associated with the forfeiture.

12          4. The general bail bond agent shall retain records of the acceptance, return, or  
13 judgment of forfeiture resulting in the use of the collateral to reimburse the licensee for a  
14 period of three years.

~~[374.720.]~~ **324.2133.** 1. Each applicant for licensure as a general bail bond agent,  
2 after complying with this section and the provisions of section ~~[374.715]~~ **324.2121**, shall be  
3 issued a license by the ~~[department]~~ **board** unless grounds exist under section ~~[374.755]~~  
4 **324.2145** for denial of a license.

5           2. Each applicant for examination and licensure as a bail bond agent, after complying  
6 with the provisions of section ~~[374.715]~~ **324.2121**, shall appear for examination at the time  
7 and place specified by the ~~[department]~~ **board**. Such examination shall be as prescribed by

8 the ~~[director as provided under section 375.018]~~ **board** and shall be designed to test the  
9 applicant's knowledge and expertise in the area of surety bonds in general and the practice of  
10 a bail bond agent, as defined in sections ~~[374.700 to 374.775]~~ **324.2103 to 324.2166**, in  
11 particular. The applicant shall be notified of the result of the examination within twenty  
12 working days of the examination. Any applicant who fails such examination may, upon  
13 reapplication and payment of the reexamination fee set by the ~~[department]~~ **board**, retake the  
14 examination.

~~[374.730.]~~ **324.2136.** All licenses issued to bail bond agents and general bail bond  
2 agents under the provisions of sections ~~[374.700 to 374.775]~~ **324.2103 to 324.2166** shall be  
3 renewed biennially, which renewal shall be in the form and manner prescribed by the  
4 ~~[department]~~ **board** and shall be accompanied by the renewal fee set by the ~~[department]~~  
5 **board**.

~~[374.740.]~~ **324.2139.** Any person applying to be licensed as a nonresident general bail  
2 bond agent who has been licensed in another state shall devote fifty percent of his or her  
3 working time in the state of Missouri and shall file proof with the ~~[director of the department~~  
4 ~~of commerce and insurance]~~ **board** as to his or her compliance, and accompany his or her  
5 application with the fees set by the ~~[director]~~ **board** by regulation and, if applying for a  
6 nonresident general bail bond agent's license, with a duly executed assignment of twenty-five  
7 thousand dollars to the state of Missouri, which assignment shall become effective upon the  
8 applicant's violating any provision of sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187**.  
9 Failure to comply with this section will result in revocation of the nonresidence license. The  
10 assignment required by this section shall be in the form and executed in the manner  
11 prescribed by the ~~[department]~~ **board**. All licenses issued pursuant to this section shall be  
12 subject to the same renewal requirements set for other licenses issued pursuant to sections  
13 ~~[374.695 to 374.789]~~ **324.2100 to 324.2187**.

~~[374.750.]~~ **324.2142.** The ~~[department]~~ **board** may refuse to issue or renew any  
2 license required pursuant to sections ~~[374.700 to 374.775]~~ **324.2103 to 324.2166** for any one  
3 or any combination of causes stated in section ~~[374.755]~~ **324.2145**. The ~~[department]~~ **board**  
4 shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant  
5 of his **or her** right to file a complaint with the administrative hearing commission as provided  
6 by chapter 621.

~~[374.755.]~~ **324.2145.** 1. The ~~[department]~~ **board** may cause a complaint to be filed  
2 with the administrative hearing commission as provided by chapter 621 against any holder of  
3 any license required by sections ~~[374.695 to 374.775]~~ **324.2100 to 324.2166** or any person  
4 who has failed to renew or has surrendered his or her license for any one or any combination  
5 of the following causes:

- 6 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage  
7 to an extent that such use impairs a person's ability to perform the work of the profession  
8 licensed under sections ~~[374.695 to 374.775]~~ **324.2100 to 324.2166**;
- 9 (2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen  
10 years in a criminal prosecution under any state or federal law for a felony or a crime involving  
11 moral turpitude whether or not a sentence is imposed, prior to issuance of license date;
- 12 (3) Use of fraud, deception, misrepresentation or bribery in securing any license or in  
13 obtaining permission to take any examination required pursuant to sections ~~[374.695 to~~  
14 ~~374.775]~~ **324.2100 to 324.2166**;
- 15 (4) Obtaining or attempting to obtain any compensation as a member of the  
16 profession licensed by sections ~~[374.695 to 374.775]~~ **324.2100 to 324.2166** by means of  
17 fraud, deception or misrepresentation;
- 18 (5) Misappropriation of the premium, collateral, or other things of value given to a  
19 bail bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct,  
20 gross negligence, fraud, or misrepresentation in the performance of the functions or duties of  
21 the profession licensed or regulated by sections ~~[374.695 to 374.775]~~ **324.2100 to 324.2166**;
- 22 (6) Violation of any provision of or any obligation imposed by the laws of this state,  
23 ~~[department of commerce and insurance]~~ **board** rules and regulations, or aiding or abetting  
24 other persons to violate such laws, orders, rules or regulations, or subpoenas;
- 25 (7) Transferring a license or permitting another person to use a license of the licensee;
- 26 (8) Disciplinary action against the holder of a license or other right to practice the  
27 profession regulated by sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187** granted by  
28 another state, territory, federal agency or country upon grounds for which revocation or  
29 suspension is authorized in this state;
- 30 (9) Being finally adjudged insane or incompetent by a court of competent  
31 jurisdiction;
- 32 (10) Assisting or enabling any person to practice or offer to practice the profession  
33 licensed or regulated by sections ~~[374.695 to 374.789]~~ **324.2100 to 324.2187** who is not  
34 currently licensed and eligible to practice pursuant to sections ~~[374.695 to 374.789]~~ **324.2100**  
35 **to 324.2187**;
- 36 (11) Acting in the capacity of an attorney at a trial or hearing of a person for whom  
37 the attorney is acting as surety;
- 38 (12) Failing to provide a copy of the bail contract, renumbered written receipt for  
39 acceptance of money, or other collateral for the taking of bail to the principal, if requested by  
40 any person who is a party to the bail contract, or any person providing funds or collateral for  
41 bail on the principal's behalf.

42           2. After the filing of such complaint, the proceedings shall be conducted in  
43 accordance with the provisions of chapter 621. Upon a finding by the administrative hearing  
44 commission that one or more of the causes stated in subsection 1 of this section have been  
45 met, the ~~[director]~~ **board** may, **singly or in combination, censure or place the person**  
46 **named in the complaint on probation under such terms and conditions as the board**  
47 **deems appropriate or** suspend or revoke the license ~~[or enter into an agreement for a~~  
48 ~~monetary or other penalty pursuant to section 374.280.~~

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

52           4. ~~In addition to any other remedies available, the director may issue a cease and~~  
53 ~~desist order or may seek an injunction in a court of competent jurisdiction pursuant to the~~  
54 ~~provisions of section 374.046 whenever it appears that any person is acting as a bail bond~~  
55 ~~agent or general bail bond agent without a license or violating any other provisions of sections~~  
56 ~~374.695 to 374.789].~~

~~[374.757.]~~ **324.2148.** 1. Any agent licensed by sections ~~[374.695 to 374.775]~~  
2 **324.2100 to 324.2166** who intends to apprehend any person in this state shall inform law  
3 enforcement authorities in the city or county in which such agent intends such apprehension,  
4 before attempting such apprehension. Such agent shall present to the local law enforcement  
5 authorities a certified copy of the bond and all other appropriate paperwork identifying the  
6 principal and the person to be apprehended. Local law enforcement may accompany the  
7 agent. Failure of any agent to whom this section applies to comply with the provisions of this  
8 section shall be a class A misdemeanor for the first violation and a class E felony for  
9 subsequent violations; and shall also be a violation of section ~~[374.755]~~ **324.2145** and may in  
10 addition be punished pursuant to that section.

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

~~[374.759.]~~ **324.2151.** 1. Any bail bond agent licensed in the state of Missouri shall  
2 have access to all publicly available court records of the defendant by available means to  
3 make a realistic assessment of the defendant's probability of attending all court dates as set in  
4 his or her charges relating to the bond request.

5           2. Any defendant shall have free access to any bail bond agent via one phone call so  
6 long as the call is made to a local phone number. All other numbers may be available as a  
7 collect call to any nonlocal number.

8           3. All Missouri licensed bail bond agents or licensed general agents shall be qualified,  
9 without further requirements, in all jurisdictions of this state, as provided in rules  
10 promulgated by the supreme court of Missouri and not by any circuit court rule.

~~[374.760.]~~ **324.2154.** Each general bail bond agent shall file, between the first and  
2 tenth day of each month, sworn affidavits with the ~~[department]~~ **board** stating that there are  
3 no unsatisfied judgments against him **or her**. Such affidavits shall be in the form and manner  
4 prescribed by the ~~[department]~~ **board**.

~~[374.763.]~~ **324.2157.** 1. If any final judgment ordering forfeiture of a defendant's  
2 bond is not paid within a six-month period of time, the court shall extend the judgment date or  
3 notify the ~~[department]~~ **board** of the failure to satisfy such judgment. The ~~[director]~~ **board**  
4 shall draw upon the assets of the surety, remit the sum to the court, and obtain a receipt of  
5 such sum from the court. The ~~[director]~~ **board** may take action as provided by section  
6 ~~[374.755]~~ **324.2145**, regarding the license of the surety and any bail bond agents writing upon  
7 the surety's liability.

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

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

~~[374.764.]~~ **324.2160.** 1. The ~~[director]~~ **board** shall examine and inquire into all  
2 alleged violations or complaints filed with the ~~[department of commerce and insurance]~~  
3 **board** of the bail bond law of the state, and inquire into and investigate the bail bond business  
4 transacted in the state by any bail bond agent, general bail bond agent, or surety recovery  
5 agent.

6           2. The ~~[director or any of his or her duly appointed agents]~~ **board** may compel the  
7 attendance before ~~[him or her]~~ **the board**, and may examine, under oath, the directors,  
8 officers, bail bond agents, general bail bond agents, surety recovery agents, employees, or any  
9 other person in reference to the condition, affairs, management of the bail bond or surety  
10 recovery business, or any matters relating thereto. ~~[He or she]~~ **The board** may administer

11 oaths or affirmations and shall have power to summon and compel the attendance of  
12 witnesses and to require and compel the production of records, books, papers, contracts, or  
13 other documents if necessary.

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

~~[374.770.]~~ **324.2163.** 1. If there is a breach of the contract of the bond, the court in  
2 which the case is pending shall declare a bond forfeiture, unless the surety upon such bond  
3 informs the court that the defendant is incarcerated somewhere within the United States. If  
4 forfeiture is not ordered because the defendant is incarcerated somewhere within the United  
5 States, the surety is responsible for the return of the defendant. If bond forfeiture is ordered  
6 and the surety can subsequently prove the defendant is incarcerated somewhere within the  
7 United States, then the bond forfeiture shall be set aside and the surety be responsible for the  
8 return of the defendant. When the surety notifies the court of the whereabouts of the  
9 defendant, a hold order shall be placed by the court having jurisdiction on the defendant in the  
10 state in which the defendant is 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]~~ **324.2103 to 324.2166** has given his **or her** bond for bail for  
13 any defendant who has absented himself in violation of the condition of such bond, the bail  
14 bond agent or general bail bond agent shall have the first opportunity to return such defendant  
15 to the proper court. If he **or she** is unable to return such defendant, the state of Missouri shall  
16 return such defendant to the proper court for prosecution, and all costs incurred by the state in  
17 so returning a defendant may be levied against the bail bond agent or general bail bond agent  
18 in question.

~~[374.775.]~~ **324.2166.** When issuing bonds of one thousand dollars or less, licensed  
2 bail bond agents or general bail bond agents may charge a minimum premium of fifty dollars.  
3 In connection with such bonds no bail bond agent, general bail bond agent, or corporation  
4 shall charge or receive any additional fee for investigations or services rendered in connection  
5 with the execution of the bond.

~~[374.783.]~~ **324.2169.** 1. No person shall hold himself or herself out as being a surety  
2 recovery agent in this state, unless such person is licensed in accordance with the provisions  
3 of sections ~~[374.783 to 374.789]~~ **324.2169 to 324.2187.** Licensed bail bond agents and

4 general bail bond agents may perform fugitive recovery without being licensed as a surety  
5 recovery agent.

6 2. The ~~[director]~~ **board** shall have authority to license all surety recovery agents in  
7 this state. The ~~[director]~~ **board** shall have control and supervision over the licensing of such  
8 agents and the enforcement of the terms and provisions of sections ~~[374.783 to 374.789]~~  
9 **324.2169 to 324.2187**.

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

11 (1) Set and determine the amount of the fees authorized and required pursuant to  
12 sections ~~[374.783 to 374.789]~~ **324.2169 to 324.2187**. The fees shall be set at a level sufficient  
13 to produce revenue which shall not substantially exceed the cost and expense of administering  
14 sections ~~[374.783 to 374.789]~~ **324.2169 to 324.2187**. However, such fees shall not exceed  
15 one hundred fifty dollars for a two-year license; and

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

17 4. The ~~[director]~~ **board** shall license for a period of two years all surety recovery  
18 agents in this state who meet the requirements of sections ~~[374.783 to 374.789]~~ **324.2169 to**  
19 **324.2187**.

~~[374.784.]~~ **324.2172**. 1. Applications for examination and licensure as a surety  
2 recovery agent shall be submitted on forms prescribed by the ~~[department]~~ **board** and shall  
3 contain such information as the ~~[department]~~ **board** requires, along with a copy of the front  
4 and back of a photographic identification card.

5 2. Each application shall be accompanied by proof satisfactory to the ~~[director]~~ **board**  
6 that the applicant is a citizen of the United States and has a high school diploma or a general  
7 educational development certificate (GED). An applicant shall furnish evidence of such  
8 person's qualifications by completing an approved surety recovery agent course with at least  
9 twenty-four hours of initial minimum training. The ~~[director]~~ **board** shall determine which  
10 institutions, organizations, associations, and individuals shall be eligible to provide said  
11 training. Said instructions and fees associated therewith shall be identical or similar to those  
12 prescribed in section ~~[374.710]~~ **324.2115** for bail bond agents and general bail bond agents.

13 3. In addition to said twenty-four hours of initial minimum training, licensees shall be  
14 required to receive eight hours of biennial continuing education of which said instructions and  
15 fees shall be identical or similar to those prescribed in section ~~[374.710]~~ **324.2115** for bail  
16 bond agents and general bail bond agents.

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

21           5. The ~~[director]~~ **board** may refuse to issue any license pursuant to sections ~~[374.783~~  
22 ~~to 374.789]~~ **324.2169 to 324.2187**, for any one or any combination of causes stated in section  
23 ~~[374.787]~~ **324.2181**. The ~~[director]~~ **board** shall notify the applicant in writing of the reason  
24 or reasons for refusal and shall advise the applicant of the right to file a complaint with the  
25 administrative hearing commission to appeal the refusal as provided by chapter 621.

~~[374.785.]~~ **324.2175**. For the purpose of surrender of the defendant, a surety recovery  
2 agent may apprehend the defendant anywhere within the state of Missouri before or after the  
3 forfeiture of the undertaking without personal liability for false imprisonment or may  
4 empower any surety recovery agent to make apprehension by providing written authority  
5 endorsed on a certified copy of the undertaking and paying the lawful fees.

~~[374.786.]~~ **324.2178**. 1. Every person licensed pursuant to sections ~~[374.783 to~~  
2 ~~374.789]~~ **324.2169 to 324.2187** shall, before the license renewal date, apply to the ~~[director]~~  
3 **board** for renewal for the ensuing licensing period. The application shall be made on a form  
4 furnished to the applicant and shall state the applicant's full name, the applicant's business  
5 address, the address at which the applicant resides, the date the applicant first received a  
6 license, and the applicant's surety recovery agent identification number, if any.

7           2. A renewal form shall be mailed to each person licensed in this state at the person's  
8 last known address. The failure to mail the renewal form or the failure of a person to receive  
9 it does not relieve any person of the duty to be licensed and to pay the license fee required nor  
10 exempt 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  
12 be 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]~~ **324.2169 to 324.2187** for any one or any combination of causes stated  
15 in section ~~[374.787]~~ **324.2181**. The ~~[director]~~ **board** shall notify the applicant in writing of  
16 the reasons for refusal to renew and shall advise the applicant of his or her right to file a  
17 complaint with the administrative hearing commission as provided by chapter 621.

~~[374.787.]~~ **324.2181**. 1. The ~~[director]~~ **board** may cause a complaint to be filed with  
2 the administrative hearing commission as provided by chapter 621 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  
6 state, ~~[the department of commerce and insurance]~~ **board** rules and regulations, or aiding or  
7 abetting other persons to violate 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 **324.2169 to 324.2187**;

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

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

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

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

21 2. After the filing of the complaint, the proceedings shall be conducted in accordance  
 22 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
 23 that one or more of the causes stated in subsection 1 of this section have been met, the  
 24 ~~[director]~~ **board** may, **singly or in combination, censure or place the person named in the**  
 25 **complaint on probation under such terms and conditions as the board deems**  
 26 **appropriate or** suspend or revoke the license ~~[or enter into an agreement for a monetary~~  
 27 ~~or other penalty pursuant to section 374.280.~~

28 ~~3. In lieu of filing a complaint with the administrative hearing commission, the~~  
 29 ~~director and the surety recovery agent may enter into an agreement for a monetary or other~~  
 30 ~~penalty pursuant to section 374.280.~~

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

~~[374.788.]~~ **324.2184.** 1. A ~~[bail bond]~~ **surety recovery** agent having probable  
 2 grounds to believe a subject free on his or her bond has failed to appear as directed by a court,  
 3 has breached the terms of the subject's surety agreement, or has taken a substantial step  
 4 toward absconding may utilize all lawful means to apprehend the subject. To surrender a  
 5 subject to a court, a licensed bail bond or surety recovery agent having probable grounds to  
 6 believe the subject is free on his or her bond may:

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

10 (2) Transport a subject in a lawful manner from state to state and county to county to  
 11 a place of authorized surrender; and

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

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

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

~~[374.789.]~~ **324.2187.** 1. A person is guilty of a class E felony if he or she does not  
2 hold a valid surety recovery agent license or a bail bond license and commits any of the  
3 following acts:

4           (1) Holds himself or herself out to be a licensed surety recovery agent within this  
5 state;

6           (2) Claims that he or she can render surety recovery agent services; or

7           (3) Engages in fugitive recovery in this state.

8           2. Any person who engages in fugitive recovery in this state and wrongfully causes  
9 damage to any person or property, including, but not limited to, unlawful apprehension,  
10 unlawful detainment, or assault, shall be liable for such damages and may be liable for  
11 punitive damages.

          374.051. 1. Any applicant refused a license or the renewal of a license by order of the  
2 director under ~~[sections 374.755, 374.787, and]~~ **section** 375.141 may file a petition with the  
3 administrative hearing commission alleging that the director has refused the license. The  
4 administrative hearing commission shall conduct hearings and make findings of fact and  
5 conclusions of law in determining whether the applicant may be disqualified by statute.  
6 Notwithstanding section 621.120, the director shall retain discretion in refusing a license or  
7 renewal and such discretion shall not transfer to the administrative hearing commission.

8           2. If a proceeding is instituted to revoke or suspend a license of any person under  
9 ~~[sections 374.755, 374.787, and]~~ **section** 375.141, the director shall refer the matter to the  
10 administrative hearing commission by directing the filing of a complaint. The administrative  
11 hearing commission shall conduct hearings and make findings of fact and conclusions of law  
12 in such cases. The director shall have the burden of proving cause for discipline. If cause is  
13 found, the administrative hearing commission shall submit its findings of fact and conclusions  
14 of law to the director, who may determine appropriate discipline.

15           3. Hearing procedures before the director or the administrative hearing commission  
16 and judicial review of the decisions and orders of the director and of the administrative  
17 hearing commission, and all other procedural matters under this chapter, shall be governed by  
18 the provisions of chapter 536. Hearings before the administrative hearing commission shall  
19 also be governed by the provisions of chapter 621.