Oklahoma Bondsman Association

2019 Legislative Update

Buddy Combs

Deputy Commissioner of Licensing Services & Policy Counsel
TOPICS

• Passed Legislation
  o HB 1107 – Travel expenses and exonerations
  o HB 1373 – Licensing and criminal history
  o SB 721 – Education

• Failed Legislation
  o SB 717 – OID Request
  o SB 252 – Bail Reform
• Defines “reasonable expenses”
  ○ “Except for instances whereby the defendant is transported by a contracted transport company, reasonable expenses shall mean the actual miles traveled in transporting the defendant at a rate equal to the current Internal Revenue Service standard mileage rate.”

• Exoneration by operation of law where:
  ○ Defendant arrested on new charges in the same jurisdiction and released on OR bond
  ○ Defendant arrested and there is an added charge that would result in a higher fine or longer term of sentence – if the same bondsman files bond on the new charge, defendant must get the same rate and credit for any money already paid on the earlier charge
HB 1373

• Occupational licensing reform
• Strikes broad language
  ○ “Is competent, trustworthy, financially responsible, and is of good personal and business reputation and character;”
• Strikes misdemeanors
  ○ “previously convicted of, or pled guilty or nolo contendre to . . . a misdemeanor involving moral turpitude or dishonesty”
• Felonies Only
  ○ “felony crime that substantially relates to the occupation of a bail bondsman and poses a reasonable threat to public safety;”
HB 1373

• “Substantially relates” means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

• “Poses a reasonable threat” means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Effective November 1
SB 721

• Removes the Oklahoma Bondsman Association as the sole provider of pre-licensing education and continuing education for bail bondsmen.
• Open to any provider approved by OID - $200 fee
• OID will still review and approve courses

Effective November 1
BILLS THAT DID NOT PASS
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SB 717

• Collateral
  ○ Collateral received by a bondsman as cash or check must be deposited in a non-interest bearing trust account within 2 days.

• Ownership in a restaurant that serves alcohol
  ○ Clarifies the section of law that allows a bondsman to have an ownership interest in a restaurant that serves alcohol to reflect Oklahoma’s updated alcohol laws

• Premium for a bail bond is not earned until the defendant is actually released from custody. If not earned, the premium must be returned without delay.
  ○ Bondsman may charge a usual, customary, and reasonable fee based on the amount of time actually spent on the transaction.
SB 252

• See Handout
Questions?