

Oklahoma Bondsman Association

2019 Legislative Update

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**OKLAHOMA
INSURANCE**

DEPARTMENT

Commissioner Glen Mulready

TOPICS

- Passed Legislation
 - HB 1107 – Travel expenses and exonerations
 - HB 1373 – Licensing and criminal history
 - SB 721 – Education
- Failed Legislation
 - SB 717 – OID Request
 - SB 252 – Bail Reform

HB 1107

- 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 contendere 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.

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

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?

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