

Moved by Cheatham

Seconded by Lakey

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1110

AMENDMENT TO THE BILL

1
2 On page 2 of the printed bill, following line 50, insert:

3 "SECTION 3. That Section 41-1039, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 41-1039. LICENSE REQUIRED. (1) No person shall hold himself out to be
6 a bail agent or sell, solicit, negotiate, advise or consult regarding the
7 terms of bail bond contracts in this state unless that person is licensed as
8 a producer in the line of surety insurance. The director is vested with the
9 exclusive authority to license bail agents and the authority to regulate the
10 solicitation, negotiation and transaction of bail with retail consumers of
11 bail bonds, provided however, that a court retains the authority to refuse
12 to accept bail bonds from a surety or a bail agent pursuant to its inherent
13 authority, pursuant to Idaho Code, or as provided by supreme court rules,
14 guidelines or appellate decisions.

15 (2) A bail agent is authorized to execute and countersign undertakings
16 of bail, including bail bonds, in connection with any judicial proceedings
17 in each of the judicial districts of the state. Any sheriff or clerk of the
18 district court shall accept bail bonds only from a bail agent, unless other-
19 wise ordered by the court pursuant to subsection (1) of this section.

20 (3) In addition to the authority to revoke, suspend or refuse to issue
21 a bail agent's license pursuant to section 41-1016, Idaho Code, the director
22 shall suspend a license for a period not to exceed six (6) months, after mail-
23 ing notice to the last known address of the bail agent but prior to a hearing,
24 if such bail agent:

25 (a) Has been convicted or has entered a guilty plea to any felony or to a
26 misdemeanor ~~which evidences bad moral character~~ evidencing theft, dis-
27 honesty, ~~a lack of integrity and financial responsibility, or an unfit-~~
28 ~~ness and inability to provide acceptable service to the consuming pub-~~
29 ~~lic~~ intimidation, threats, or violence; or

30 (b) Intentionally and fraudulently makes a false statement to a court
31 in connection with a bail transaction.

32 (4) In addition to the provisions of subsection (3) of this section, the
33 director may also suspend a license for a period not to exceed six (6) months,
34 after mailing notice to the last known address of the bail agent but prior to
35 a hearing, for reasons set forth in the rules of the department."

36 CORRECTION TO TITLE

37 On page 1, in line 4, delete "AND"; and in line 10, following "RECORDS"
38 insert: "; AND AMENDING SECTION 41-1039, IDAHO CODE, TO REVISE A PROVISION
39 REGARDING SUSPENSION OF A LICENSE".