
SENATE BILL 6544

State of Washington

54th Legislature

1996 Regular Session

By Senators Smith and McCaslin

Read first time 01/17/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to bail bond agency branch offices; amending RCW
2 18.185.010 and 18.185.100; and adding a new section to chapter 18.185
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.185.010 and 1993 c 260 s 2 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Department" means the department of licensing.

10 (2) "Director" means the director of licensing.

11 (3) "Collateral or security" means property of any kind given as
12 security to obtain a bail bond.

13 (4) "Bail bond agency" means a business that sells and issues
14 corporate surety bail bonds or that provides security in the form of
15 personal or real property to insure the appearance of a criminal
16 defendant before the courts of this state or the United States.

17 (5) "Qualified agent" means an owner, sole proprietor, partner,
18 manager, officer, or chief operating officer of a corporation who meets

1 the requirements set forth in this chapter for obtaining a bail bond
2 agency license.

3 (6) "Bail bond agent" means a person who is employed by a bail bond
4 agency and engages in the sale or issuance of bail bonds, but does not
5 mean a clerical, secretarial, or other support person who does not
6 participate in the sale or issuance of bail bonds.

7 (7) "Licensee" means a bail bond agency or a bail bond agent or
8 both.

9 (8) "Branch office" means a location where bail bond business is
10 conducted within a county other than the county of record of the
11 principal bail bond agency and where a person within that county
12 provides bail bond services for and in the name of the principal bail
13 bond agency.

14 NEW SECTION. Sec. 2. A new section is added to chapter 18.185 RCW
15 to read as follows:

16 A branch office may not operate under a business name other than
17 the name of the principal bail bond agency and must have a qualified
18 bail bond agent as manager of the office. The qualified agent shall
19 comply with the provisions of RCW 18.185.100.

20 **Sec. 3.** RCW 18.185.100 and 1993 c 260 s 11 are each amended to
21 read as follows:

22 (1) Every qualified agent shall keep adequate records for three
23 years of all collateral and security received, all trust accounts
24 required by this section, and all bail bond transactions handled by the
25 bail bond agency, as specified by rule. The records shall be open to
26 inspection without notice by the director or authorized representatives
27 of the director.

28 (2) Every qualified agent who receives collateral or security is a
29 fiduciary of the property and shall keep adequate records for three
30 years of the receipt, safekeeping, and disposition of the collateral or
31 security. Every qualified agent shall maintain a trust account in a
32 federally insured financial institution located in this state. All
33 moneys, including cash, checks, money orders, wire transfers, and
34 credit card sales drafts, received as collateral or security or
35 otherwise held for a bail bond agency's client shall be deposited in
36 the trust account not later than the third banking day following
37 receipt of the funds or money. A qualified agent shall not in any way

1 encumber the corpus of the trust account or commingle any other moneys
2 with moneys properly maintained in the trust account. Each qualified
3 agent required to maintain a trust account shall report annually under
4 oath to the director the account number and balance of the trust
5 account, and the name and address of the institution that holds the
6 trust account, and shall report to the director within ten business
7 days whenever the trust account is changed or relocated or a new trust
8 account is opened.

9 (3) Whenever a bail bond is exonerated by the court, the ((~~bail~~
10 ~~bond agency~~)) qualified agent shall, within five business days after
11 written notification of exoneration and upon demand, return all
12 collateral or security to the person entitled thereto.

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