CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6544

Chapter 242, Laws of 1996

54th Legislature
1996 Regular Session

BAIL BOND AGENCY BRANCH OFFICES--REGULATION

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 4, 1996
YEAS 43  NAYS 0

JOEL PRITCHARD
President of the Senate

Passed by the House February 29, 1996
YEAS 90  NAYS 0

CLYDE BALLARD
Speaker of the House of Representatives

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SENATE BILL 6544 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN
Secretary

Approved March 28, 1996

MIKE LOWRY
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to bail bond agency branch offices; amending RCW 18.185.010 and 18.185.100; and adding new sections to chapter 18.185 RCW.

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

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

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

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

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

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

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

(5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets
the requirements set forth in this chapter for obtaining a bail bond agency license.

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

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

(8) "Branch office" means any office physically separated from the principal place of business of the licensee from which the licensee or an employee or agents conduct any activity meeting the criteria of bail bond agency.

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

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

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

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

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency’s client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys
with moneys properly maintained in the trust account. Each qualified
agent required to maintain a trust account shall report annually under
oath to the director the account number and balance of the trust
account, and the name and address of the institution that holds the
trust account, and shall report to the director within ten business
days whenever the trust account is changed or relocated or a new trust
account is opened.

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

NEW SECTION. Sec. 4. A new section is added to chapter 18.185 RCW
to read as follows:
If a licensee maintains a branch office, the licensee shall not
operate that branch office until a branch office license has been
received from the director. A bail bond agency may apply to the
director for authority to establish one or more branch offices under
the same name as the main office upon the payment of a fee as
prescribed by the director by rule. The director shall issue a
separate license for each branch office showing the location of each
branch which shall be prominently displayed in the office for which it
is issued. A corporation, partnership, or sole proprietorship shall
not establish more than one principal office within this state.

Passed the Senate March 4, 1996.
Passed the House February 29, 1996.
Approved by the Governor March 28, 1996.
Filed in Office of Secretary of State March 28, 1996.