
HOUSE BILL 2525

State of Washington

56th Legislature

2000 Regular Session

By Representatives Carrell and Kastama

Read first time 01/17/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to bail bond recovery agents; amending RCW
2 18.185.010 and 18.185.110; adding new sections to chapter 18.185 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that bail bond
6 agents and bail bond recovery agents serve a useful purpose in the
7 criminal justice system by apprehending and surrendering fugitives.
8 The legislature also recognizes that locating, apprehending, and
9 surrendering fugitives require special skills and knowledge, and that
10 bail bond recovery agents are often required to perform their duties
11 under stressful and demanding conditions. Therefore, bail bond
12 agencies who use the services of bail bond recovery agents must be
13 encouraged, in the interest of public safety, to use bail bond recovery
14 agents who possess the training and experience necessary for the job.

15 **Sec. 2.** RCW 18.185.010 and 1996 c 242 s 1 are each amended to read
16 as follows:

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

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

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

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

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

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

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

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

19 (8) "Branch office" means any office physically separated from the
20 principal place of business of the licensee from which the licensee or
21 an employee or agents conduct any activity meeting the criteria of
22 (({a+})) a bail bond agency.

23 (9) "Bail bond recovery agent" means a person who receives
24 compensation or reward for apprehending and surrendering another person
25 for whom a bail bond has been posted. "Bail bond recovery agent" does
26 not include any bail bond agent or qualified agent licensed under this
27 chapter or any law enforcement officer.

28 (10) "Certificate" means the document issued to a bail bond
29 recovery agent by a bail bond agency or bail bond agent licensed in
30 this state.

31 NEW SECTION. Sec. 3. A new section is added to chapter 18.185 RCW
32 to read as follows:

33 (1) A person may not perform the duties of a bail bond recovery
34 agent in this state unless he or she is certified by a bail bond agency
35 or bail bond agent licensed in this state.

36 (2) Any bail bond agency or bail bond agent licensed in this state
37 may certify a person to perform the functions of a bail bond recovery
38 agent. A certificate issued to a person under this section shall be

1 authority for the person to perform the functions of a bail bond
2 recovery agent only for the bail bond agency or bail bond agent issuing
3 the certificate and only for the time period specified in the
4 certificate. The certified bail bond recovery agent is subject to
5 supervision of the bail bond agency or bail bond agent issuing the
6 certification. No certification made by one bail bond agency or bail
7 bond agent is transferrable to another bail bond agency or bail bond
8 agent.

9 (3) Before certifying the bail bond recovery agent, the bail bond
10 agency or bail bond agent shall verify that the bail bond recovery
11 agent has met the minimum standards established by the director
12 pursuant to section 4 of this act. The bail bond agent or bail bond
13 agency may require any information and documentation that reasonably
14 relates to the need to determine whether the bail bond recovery agent
15 meets the standards. These standards shall not prevent the certifying
16 entity from imposing any additional standards or requirements as the
17 certifying entity considers appropriate.

18 (4) A bail bond recovery agent must keep the certificate with him
19 or her when apprehending and surrendering a person. A bail bond
20 recovery agent must exhibit the certificate upon request.

21 (5) The bail bond agency or bail bond agent shall provide the
22 department with a roster of bail bond recovery agents who are
23 certified.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.185 RCW
25 to read as follows:

26 (1) The director or the director's designee, with the advice of
27 designees of the bail bond industry, law enforcement agencies and
28 associations, and prosecutors' associations, shall adopt rules
29 necessary to administer, implement, and enforce sections 2 through 5 of
30 this act and shall establish minimum standards necessary for a bail
31 bond agency or qualified agent to certify a bail bond recovery agent.

32 (2) The standards shall include, but not be limited to, the
33 following:

34 (a) A minimum level of education or experience appropriate for
35 performing the duties of a bail bond recovery agent;

36 (b) A minimum level of instruction in relevant areas of criminal
37 and civil law;

1 (c) A minimum level of instruction regarding appropriate use of
2 force at different levels;

3 (d) The nonexistence of felony criminal history;

4 (e) Adequate training of the use of firearms from the criminal
5 justice training commission; and

6 (f) Possession of a concealed pistol license.

7 (3) The director or the director's designee shall develop a format
8 for the certificate required under section 3 of this act. At a
9 minimum, the certificate must include the following:

10 (a) The name, address, phone number, and license number of the bail
11 bond agency or bail bond agent certifying the bail bond recovery agent;

12 (b) The name, address, and phone number of the bail bond recovery
13 agent;

14 (c) A statement that the bail bond agency or bail bond agent
15 attests that the bail bond recovery agent has met the minimum standards
16 required by the director; and

17 (d) The length of time the bail bond recovery agent will be
18 providing services for the bail bond agency or bail bond agent
19 certifying the bail bond recovery agent.

20 **Sec. 5.** RCW 18.185.110 and 1993 c 260 s 12 are each amended to
21 read as follows:

22 The following acts are prohibited and constitute grounds for
23 disciplinary action or denial, suspension, or revocation of any license
24 under this chapter, as deemed appropriate by the director:

25 (1) Knowingly violating any of the provisions of this chapter or
26 the rules adopted under this chapter;

27 (2) Knowingly making a material misstatement or omission in the
28 application for or renewal of a license;

29 (3) Failing to meet the qualifications set forth in RCW 18.185.020
30 and 18.185.030;

31 (4) Conviction of a gross misdemeanor or felony or the commission
32 of any act involving moral turpitude, dishonesty, or corruption whether
33 the act constitutes a crime or not. If the act constitutes a crime,
34 conviction in a criminal proceeding is not a condition precedent to
35 disciplinary action. Upon such a conviction, however, the judgment and
36 sentence is conclusive evidence at the ensuing disciplinary hearing of
37 the guilt of the license holder or applicant of the crime described in
38 the indictment or information, and of the person's violation of the

1 statute on which it is based. For the purposes of this section,
2 conviction includes all instances in which a plea of guilty or nolo
3 contendere is the basis for the conviction and all proceedings in which
4 the sentence has been deferred or suspended. Nothing in this section
5 abrogates rights guaranteed under chapter 9.96A RCW;

6 (5) Advertising that is false, fraudulent, or misleading;

7 (6) Incompetence or negligence that results in injury to a person
8 or that creates an unreasonable risk that a person may be harmed;

9 (7) Suspension, revocation, or restriction of the individual's
10 license to practice the profession by competent authority in any state,
11 federal, or foreign jurisdiction, a certified copy of the order,
12 stipulation, or agreement being conclusive evidence of the revocation,
13 suspension, or restriction;

14 (8) Failure to cooperate with the director by not:

15 (a) Furnishing any necessary papers or documents requested by the
16 director for purposes of conducting an investigation for disciplinary
17 action, denial, suspension, or revocation of a license under this
18 chapter;

19 (b) Furnishing in writing a full and complete explanation covering
20 the matter contained in a complaint filed with the department; or

21 (c) Responding to subpoenas issued by the director, whether or not
22 the recipient of the subpoena is the accused in the proceeding;

23 (9) Failure to comply with an order issued by the director or an
24 assurance of discontinuance entered into with the director;

25 (10) Aiding or abetting an unlicensed person to practice if a
26 license is required;

27 (11) Knowingly committing, or being a party to, any material fraud,
28 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
29 or device whereby any other person lawfully relies upon the word,
30 representation, or conduct of the licensee;

31 (12) Failure to adequately supervise employees to the extent that
32 the client funds are at risk;

33 (13) Interference with an investigation or disciplinary proceeding
34 by willful misrepresentation of facts before the director or the
35 director's authorized representative, or by the use of threats or
36 harassment against any client or witness to prevent them from providing
37 evidence in a disciplinary proceeding or any other legal action;

38 (14) Assigning or transferring any license issued pursuant to the
39 provisions of this chapter, except as provided in RCW 18.185.030;

1 (15) Conversion of any money or contract, deed, note, mortgage, or
2 other evidence of title, to his or her own use or to the use of his or
3 her principal or of any other person, when delivered to him or her in
4 trust or on condition, in violation of the trust or before the
5 happening of the condition; and failure to return any money or
6 contract, deed, note, mortgage, or other evidence of title within
7 thirty days after the owner is entitled to possession, and makes demand
8 for possession, shall be prima facie evidence of conversion;

9 (16) Failing to keep records, maintain a trust account, or return
10 collateral or security, as required by RCW 18.185.100;

11 (17) Any conduct in a bail bond transaction which demonstrates bad
12 faith, dishonesty, or untrustworthiness; ((or))

13 (18) Violation of an order to cease and desist that is issued by
14 the director under this chapter; or

15 (19) Using the services of a bail bond recovery agent without
16 issuing the proper certification to the bail bond recovery agent or
17 certifying a bail bond recovery agent who does not meet the minimum
18 standards established by the director under this chapter.

19 NEW SECTION. Sec. 6. A new section is added to chapter 18.185 RCW
20 to read as follows:

21 Any person who performs the functions of a bail bond recovery agent
22 without first being certified by a bail bond agency or bail bond agent
23 licensed in this state commits a gross misdemeanor.

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