

1 6544 AMS Pelz S5295.1

2 SB 6544 - S AMD - 132
3 By Senator Pelz

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 If a licensee maintains a branch office, the licensee shall not
2 operate that branch office until a branch office license has been
3 received from the director. A bail bond agency may apply to the
4 director for authority to establish one or more branch offices under
5 the same name as the main office upon the payment of a fee as
6 prescribed by the director by rule. The director shall issue a
7 duplicate license for each branch office showing the location of each
8 branch which shall be prominently displayed in the office for which it
9 is issued. A corporation, partnership, or sole proprietorship shall
10 not establish more than one principal office within this state."

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14 On page 1, line 1 of the title, after "offices;" strike the
15 remainder of the title and insert "amending RCW 18.185.010 and
16 18.185.100; and adding new sections to chapter 18.185 RCW."

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