
SUBSTITUTE HOUSE BILL 2525

State of Washington 56th Legislature 2000 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Carrell and Kastama)

Read first time 02/03/2000. Referred to Committee on .

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. Nothing in this act gives a
18 person who has been denied a certificate from a bail bond agency or
19 bail bond agent, or whose certificate has been revoked by a bail bond
20 agency or bail bond agent, any right to appeal the denial or revocation
21 or any cause of action against the bail bond agency or bail bond agent
22 or the department.

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

26 (5) The bail bond agency or bail bond agent shall provide the
27 department with a roster of bail bond recovery agents who are
28 certified.

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

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

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

- 1 (a) A minimum level of education or experience appropriate for
2 performing the duties of a bail bond recovery agent;
- 3 (b) A minimum level of instruction in relevant areas of criminal
4 and civil law;
- 5 (c) A minimum level of instruction regarding appropriate use of
6 force at different levels;
- 7 (d) The nonexistence of felony criminal history;
- 8 (e) Adequate training of the use of firearms from the criminal
9 justice training commission; and
- 10 (f) Possession of a concealed pistol license.
- 11 (3) The director or the director's designee shall develop a format
12 for the certificate required under section 3 of this act. At a
13 minimum, the certificate must include the following:
- 14 (a) The name, address, phone number, and license number of the bail
15 bond agency or bail bond agent certifying the bail bond recovery agent;
- 16 (b) The name, address, and phone number of the bail bond recovery
17 agent;
- 18 (c) A statement that the bail bond agency or bail bond agent
19 attests that the bail bond recovery agent has met the minimum standards
20 required by the director; and
- 21 (d) The length of time the bail bond recovery agent will be
22 providing services for the bail bond agency or bail bond agent
23 certifying the bail bond recovery agent.

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

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

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

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

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

35 (4) Conviction of a gross misdemeanor or felony or the commission
36 of any act involving moral turpitude, dishonesty, or corruption whether
37 the act constitutes a crime or not. If the act constitutes a crime,
38 conviction in a criminal proceeding is not a condition precedent to

1 disciplinary action. Upon such a conviction, however, the judgment and
2 sentence is conclusive evidence at the ensuing disciplinary hearing of
3 the guilt of the license holder or applicant of the crime described in
4 the indictment or information, and of the person's violation of the
5 statute on which it is based. For the purposes of this section,
6 conviction includes all instances in which a plea of guilty or nolo
7 contendere is the basis for the conviction and all proceedings in which
8 the sentence has been deferred or suspended. Nothing in this section
9 abrogates rights guaranteed under chapter 9.96A RCW;

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

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

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

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

19 (a) Furnishing any necessary papers or documents requested by the
20 director for purposes of conducting an investigation for disciplinary
21 action, denial, suspension, or revocation of a license under this
22 chapter;

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

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

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

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

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

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

37 (13) Interference with an investigation or disciplinary proceeding
38 by willful misrepresentation of facts before the director or the
39 director's authorized representative, or by the use of threats or

1 harassment against any client or witness to prevent them from providing
2 evidence in a disciplinary proceeding or any other legal action;

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

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

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

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

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

19 (19) Using the services of a bail bond recovery agent without
20 issuing the proper certification to the bail bond recovery agent or
21 certifying a bail bond recovery agent who does not meet the minimum
22 standards established by the director under this chapter. Any costs
23 associated with the department's enforcement pursuant to this
24 subsection shall be exempt from the fee policy stated in RCW 43.24.086,
25 and the department shall not use costs associated with enforcement to
26 increase the fees to bail bond agencies and bail bond agents.

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

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

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