
HOUSE BILL 1482

State of Washington 57th Legislature 2001 Regular Session

By Representatives Carrell, Lambert, Boldt, Lovick and Pennington

Read first time 01/26/2001. Referred to Committee on Commerce & Labor.

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 2000 c 171 s 40 are each amended to
16 read 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 a
22 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 bail bond agents or qualified agents licensed under this
27 chapter or law enforcement officers.

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:

35 (a) Is certified by a bail bond agency or bail bond agent licensed
36 in this state;

37 (b) Is a bail bond agent or qualified agent licensed in this state;

38 or

1 (c) If the person is a bail bond recovery agent from another state,
2 works under the direct supervision of a bail bond agent or qualified
3 agent licensed in this state.

4 (2) Any bail bond agency or bail bond agent licensed in this state
5 may certify a person to perform the functions of a bail bond recovery
6 agent. A certificate issued to a person under this section shall be
7 authority for the person to perform the functions of a bail bond
8 recovery agent only for the bail bond agency or bail bond agent issuing
9 the certificate and only for the time period specified on the
10 certificate. A certified bail bond recovery agent is subject to
11 supervision by the bail bond agency or bail bond agent issuing the
12 certification. No certification made by one bail bond agency or bail
13 bond agent is transferrable to another bail bond agency or bail bond
14 agent.

15 (3) Before certifying the bail bond recovery agent, the bail bond
16 agency or bail bond agent shall verify that the bail bond recovery
17 agent has met the minimum standards established by the director
18 pursuant to section 4 of this act. The bail bond agent or bail bond
19 agency may require any information and documentation that reasonably
20 relates to the need to determine whether the bail bond recovery agent
21 meets the standards. These standards shall not prevent the certifying
22 entity from imposing any additional standards or requirements as the
23 certifying entity considers appropriate. Nothing in this act gives a
24 person who has been denied a certificate from a bail bond agency or
25 bail bond agent, or whose certificate has been revoked by a bail bond
26 agency or bail bond agent, any right to appeal the denial or revocation
27 or any cause of action against the bail bond agency or bail bond agent
28 or the department.

29 (4) A bail bond recovery agent must have the certificate with him
30 or her when apprehending and surrendering a person. A bail bond
31 recovery agent must exhibit the certificate upon request.

32 (5) The bail bond agency or bail bond agent shall provide the
33 department with a roster of bail bond recovery agents who the bail bond
34 agency or bail bond agent has certified.

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

37 (1) The director or the director's designee, with the advice of
38 designees of the bail bond industry, law enforcement agencies and

1 associations, and prosecutors' associations, shall adopt rules
2 necessary to administer, implement, and enforce sections 2 through 5 of
3 this act and shall establish minimum standards necessary for a bail
4 bond agency or qualified agent to certify a bail bond recovery agent.

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

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

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

11 (c) A minimum level of instruction regarding the appropriate use of
12 force and different degrees of the use of force;

13 (d) Adequate training of the use of firearms from the criminal
14 justice training commission; and

15 (e) Possession of a concealed pistol license.

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

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

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

23 (c) A statement that the bail bond agency or bail bond agent
24 attests that the bail bond recovery agent has met the minimum standards
25 required by the director; and

26 (d) The length of time the bail bond recovery agent will be
27 providing services for the bail bond agency or bail bond agent
28 certifying the bail bond recovery agent.

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

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

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

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

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

3 (4) Conviction of a gross misdemeanor or felony or the commission
4 of any act involving moral turpitude, dishonesty, or corruption whether
5 the act constitutes a crime or not. If the act constitutes a crime,
6 conviction in a criminal proceeding is not a condition precedent to
7 disciplinary action. Upon such a conviction, however, the judgment and
8 sentence is conclusive evidence at the ensuing disciplinary hearing of
9 the guilt of the license holder or applicant of the crime described in
10 the indictment or information, and of the person's violation of the
11 statute on which it is based. For the purposes of this section,
12 conviction includes all instances in which a plea of guilty or nolo
13 contendere is the basis for the conviction and all proceedings in which
14 the sentence has been deferred or suspended. Nothing in this section
15 abrogates rights guaranteed under chapter 9.96A RCW;

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

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

19 (7) Suspension, revocation, or restriction of the individual's
20 license to practice the profession by competent authority in any state,
21 federal, or foreign jurisdiction, a certified copy of the order,
22 stipulation, or agreement being conclusive evidence of the revocation,
23 suspension, or restriction;

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

25 (a) Furnishing any necessary papers or documents requested by the
26 director for purposes of conducting an investigation for disciplinary
27 action, denial, suspension, or revocation of a license under this
28 chapter;

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

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

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

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

37 (11) Knowingly committing, or being a party to, any material fraud,
38 misrepresentation, concealment, conspiracy, collusion, trick, scheme,

1 or device whereby any other person lawfully relies upon the word,
2 representation, or conduct of the licensee;

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

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

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

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

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

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

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

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

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

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

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