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HOUSE BILL 2060

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Boldt and Carrell

Read first time 02/21/2003. 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;

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

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

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

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27 bail bond agent, or whose certificate has been revoked by a bail bond  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

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

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

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

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

9        (2) The standards must include, but are not limited to, the  
10 following:

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

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

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

17        (d) Adequate training of the use of firearms from the criminal  
18 justice training commission; and

19        (e) Possession of a concealed pistol license.

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

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

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

27        (c) A statement that the bail bond agency or bail bond agent  
28 attests that the bail bond recovery agent has met the minimum standards  
29 required by the director; and

30        (d) The length of time the bail bond recovery agent will be  
31 providing services for the bail bond agency or bail bond agent  
32 certifying the bail bond recovery agent.

33        **Sec. 5.**    RCW 18.185.110 and 2002 c 86 s 251 are each amended to  
34 read as follows:

35        In addition to the unprofessional conduct described in RCW  
36 18.235.130, the following conduct, acts, or conditions constitute  
37 unprofessional conduct:

1 (1) Violating any of the provisions of this chapter or the rules  
2 adopted under this chapter;

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

5 (3) Knowingly committing, or being a party to, any material fraud,  
6 misrepresentation, concealment, conspiracy, collusion, trick, scheme,  
7 or device whereby any other person lawfully relies upon the word,  
8 representation, or conduct of the licensee;

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

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

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

21 (7) Any conduct in a bail bond transaction which demonstrates bad  
22 faith, dishonesty, or untrustworthiness; ((~~or~~))

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

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

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

35 Any person who performs the functions of a bail bond recovery agent

1 without first being certified by a bail bond agency or bail bond agent  
2 licensed in this state commits a gross misdemeanor.

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