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HOUSE BILL 1464

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State of Washington

62nd Legislature

2011 Regular Session

By Representative Kelley

Read first time 01/21/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to down payments on bail bond premiums; amending  
2 RCW 18.185.110; and adding a new section to chapter 10.19 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.19 RCW  
5 to read as follows:

6 (1) At the time a bail bond agent, as defined in RCW 18.185.010,  
7 executes a bail bond transaction with a defendant or indemnitor, the  
8 bail bond agent shall require the defendant or indemnitor to make a  
9 down payment in cash on the bail bond premium.

10 (2) This section applies regardless of whether the bail bond agent  
11 issues a property bond or a surety bond.

12 **Sec. 2.** RCW 18.185.110 and 2008 c 105 s 4 are each amended to read  
13 as follows:

14 In addition to the unprofessional conduct described in RCW  
15 18.235.130, the following conduct, acts, or conditions constitute  
16 unprofessional conduct:

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

1 (2) Failing to meet the qualifications set forth in RCW 18.185.020,  
2 18.185.030, and 18.185.250;

3 (3) Knowingly committing, or being a party to, any material fraud,  
4 misrepresentation, concealment, conspiracy, collusion, trick, scheme,  
5 or device whereby any other person lawfully relies upon the word,  
6 representation, or conduct of the licensee. However, this subsection  
7 (3) does not prevent a bail bond recovery agent from using any pretext  
8 to locate or apprehend a fugitive criminal defendant or gain any  
9 information regarding the fugitive;

10 (4) Assigning or transferring any license issued pursuant to the  
11 provisions of this chapter, except as provided in RCW 18.185.030 or  
12 18.185.250;

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

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

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

25 (8) Violation of an order to cease and desist that is issued by the  
26 director under chapter 18.235 RCW;

27 (9) Wearing, displaying, holding, or using badges not approved by  
28 the department;

29 (10) Making any statement that would reasonably cause another  
30 person to believe that the bail bond recovery agent is a sworn peace  
31 officer;

32 (11) Failing to carry a copy of the contract or to present a copy  
33 of the contract as required under RCW 18.185.270(1);

34 (12) Using the services of an unlicensed bail bond recovery agent  
35 or using the services of a bail bond recovery agent without issuing the  
36 proper contract;

37 (13) Misrepresenting or knowingly making a material misstatement or  
38 omission in the application for a license;

1           (14) Using the services of a person performing the functions of a  
2 bail bond recovery agent who has not been licensed by the department as  
3 required by this chapter;

4           (15) Performing the functions of a bail bond recovery agent without  
5 being both (a) licensed under this chapter or supervised by a licensed  
6 bail bond recovery agent under RCW 18.185.290; and (b) under contract  
7 with a bail bond agent;

8           (16) Performing the functions of a bail bond recovery agent without  
9 exercising due care to protect the safety of persons other than the  
10 defendant and the property of persons other than the defendant; ~~((or))~~

11           (17) Using a dog in the apprehension of a fugitive criminal  
12 defendant; or

13           (18) Issuing a bail bond without receiving a down payment in cash  
14 on the bail bond premium, as required by section 1 of this act.

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