
HOUSE BILL 2265

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Appleton and Goodman

Read first time 01/15/14. Referred to Committee on Public Safety.

1 AN ACT Relating to prohibiting general power of attorney provisions
2 in bail bond agreements; and amending RCW 18.185.110.

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

4 **Sec. 1.** RCW 18.185.110 and 2008 c 105 s 4 are each amended to read
5 as follows:

6 In addition to the unprofessional conduct described in RCW
7 18.235.130, the following conduct, acts, or conditions constitute
8 unprofessional conduct:

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

11 (2) Failing to meet the qualifications set forth in RCW 18.185.020,
12 18.185.030, and 18.185.250;

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

1 (4) Assigning or transferring any license issued pursuant to the
2 provisions of this chapter, except as provided in RCW 18.185.030 or
3 18.185.250;

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

12 (6) Entering into a contract, including a general power of
13 attorney, with a person that gives the bail bond agent full authority
14 over the person's finances, assets, real property, or personal
15 property;

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

18 ((+7)) (8) Any conduct in a bail bond transaction which
19 demonstrates bad faith, dishonesty, or untrustworthiness;

20 ((+8)) (9) Violation of an order to cease and desist that is
21 issued by the director under chapter 18.235 RCW;

22 ((+9)) (10) Wearing, displaying, holding, or using badges not
23 approved by the department;

24 ((+10)) (11) Making any statement that would reasonably cause
25 another person to believe that the bail bond recovery agent is a sworn
26 peace officer;

27 ((+11)) (12) Failing to carry a copy of the contract or to present
28 a copy of the contract as required under RCW 18.185.270(1);

29 ((+12)) (13) Using the services of an unlicensed bail bond
30 recovery agent or using the services of a bail bond recovery agent
31 without issuing the proper contract;

32 ((+13)) (14) Misrepresenting or knowingly making a material
33 misstatement or omission in the application for a license;

34 ((+14)) (15) Using the services of a person performing the
35 functions of a bail bond recovery agent who has not been licensed by
36 the department as required by this chapter;

37 ((+15)) (16) Performing the functions of a bail bond recovery

1 agent without being both (a) licensed under this chapter or supervised
2 by a licensed bail bond recovery agent under RCW 18.185.290; and (b)
3 under contract with a bail bond agent;

4 ~~((+16+))~~ (17) Performing the functions of a bail bond recovery
5 agent without exercising due care to protect the safety of persons
6 other than the defendant and the property of persons other than the
7 defendant; or

8 ~~((+17+))~~ (18) Using a dog in the apprehension of a fugitive
9 criminal defendant.

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