

HOUSE BILL NO. 726

INTRODUCED BY N. NICOL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SURETY BAIL BOND INSURANCE; REVISING QUALIFICATIONS FOR SURETY BAIL BOND INSURANCE; REVISING SURETY BAIL BOND INSURANCE QUALIFICATIONS AND CONTINUING EDUCATION; PROVIDING FOR DISCLOSURE OF FEES; AND AMENDING SECTIONS 33-17-1601 AND 33-17-1602, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 33-17-1601, MCA, is amended to read:

**"33-17-1601. Special qualifications for surety bail bond insurance license.** (1) Before approving an application for a surety bail bond insurance license, the commissioner shall verify that the individual:

(a) is a natural person at least ~~24~~18 years of age;

(b) is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~is a resident of the state and maintains a principal~~is a resident of the state and maintains a principal ~~FIXED~~ place of business OR IS A FULL-TIME AGENT within the state;

(~~e~~)(d) has obtained a high school diploma, a general equivalency diploma or equivalent document, or an equivalent education as determined by the commissioner;

(~~d~~)(e) has complied with the requirements of 33-17-211; and

(~~e~~)(f) has successfully completed the training required in 33-17-1602.

(2) An individual may not receive, renew, or hold a surety bail bond license if the individual:

(a) has been convicted of a felony in this state or of any offense committed in another state that would be a felony if committed in this state; or

(b) has been convicted of an offense involving dishonesty, a breach of trust, violence, threatened violence, or the unlawful use, sale, or possession of a controlled substance."

**Section 2.** Section 33-17-1602, MCA, is amended to read:

1           **"33-17-1602. Surety bail bond insurance license -- basic course of training -- temporary**  
2 **license.** (1) Except as otherwise provided in this section, an applicant for a surety bail bond insurance license  
3 shall satisfactorily complete a basic course of training for bail enforcement agents that is approved by the  
4 commissioner.

5           (2) Before approving an application for a surety bail bond insurance license, the commissioner  
6 shall verify that the individual:

7           (a) holds a high school diploma, general equivalency diploma, or equivalent; and  
8           (b) has no felony convictions or offenses involving dishonesty, violence, or controlled substances.

9           (3) Applicants shall complete a 16-hour basic training course that includes instruction in:

10           (a) constitutional law and civil liability;  
11           (b) rights of individuals in custody;  
12           (c) use of force guidelines;  
13           (d) procedures for arresting and surrendering defendants;  
14           (e) handling individuals with mental health or substance use challenges;  
15           (f) defensive tactics;  
16           (g) bail bond ethics; and  
17           (h) report writing and form completion.

18           (4) Once every 2 years, licensees shall complete continuing education that includes high-quality  
19 relevant instruction for:

20           (a) 1 hour on updates to state and federal laws affecting the bail industry; and  
21           (b) 4 hours of approved credits on general bail industry knowledge or trends that is provided by a  
22 recognized state or national bail industry association or any other approved provider.

23           (5) (a) The commissioner may issue a temporary license valid for up to 12 months, allowing  
24 applicants to operate under supervision while completing training requirements. Supervision must be provided  
25 by a licensed surety bail bond agent who:

26           (i) has been licensed and actively in business in Montana for at least 5 consecutive years;  
27           (ii) is a resident of the state; and  
28           (iii) is in good standing with the commissioner of insurance, with no disciplinary actions or

1 violations within the past 5 years.

2 (b) Renewal of the temporary license is prohibited to ensure timely completion of all training and  
3 licensing requirements.

4 (6) Existing licensed surety bail bond agents are exempt from initial training requirements but shall  
5 participate in the biennial continuing education program.

6 (2) The basic course of training must consist of at least 40 hours of training that includes  
7 instruction in:

8 (a) the following areas of the law:

9 (i) constitutional law;

10 (ii) procedures for arresting a defendant and surrendering a defendant into custody;

11 (iii) civil liability;

12 (iv) the civil rights of a person who is detained in custody;

13 (v) the use of force; and

14 (vi) the history and principles of bail;

15 (b) procedures for field operations, including without limitation:

16 (i) handling a person with mental illness or a person who is under the influence of alcohol or a  
17 controlled substance; and

18 (ii) the care and custody of a prisoner;

19 (c) the skills required of bail enforcement agents, including without limitation:

20 (i) writing reports and completing forms;

21 (ii) methods of arrest;

22 (iii) nonlethal weapons;

23 (iv) the safe retention of weapons;

24 (v) qualifications for the use of firearms; and

25 (vi) defensive tactics; and

26 (d) the following subjects:

27 (i) first aid used in emergencies; and

28 (ii) cardiopulmonary resuscitation.

(3)(7) (a) In lieu of completing the basic course of training required by subsection (1), an applicant may submit proof to the commissioner that the applicant has completed a course of training required by a municipal, state, or federal law enforcement agency or a branch of the armed forces to carry out the duties of a peace officer.

(b) Proof of on-the-job training in the basic course of training areas is sufficient for the commissioner to find that granting a surety bail bond insurance license is in the public interest. The commissioner's decision whether to grant or deny a waiver under this subsection (7) is not subject to the provisions provided in Title 33, chapter 1, part 7.

(4)(8) An applicant for a surety bail bond insurance license shall complete the training required by this section within 12 months after the date the applicant is employed by a licensed surety bail bond agent. The commissioner may issue a temporary license to an applicant who has not completed the training if the applicant is otherwise qualified to be issued a license as a surety bail bond agent. The temporary license:

(a) authorizes the applicant to act as a surety bail bond agent while employed by a licensed surety bail bond agent;

(b) is valid for up to 12 months; and

(c) may not be renewed."

**NEW SECTION. Section 3. Surety bail bond premium -- fees or interest.** A surety bail bond producer that collects any fees or interest other than the minimum premium shall disclose the fees or interest at the time the surety bail bond insurance contract is executed. All fees and interest must be acknowledged by all parties to the contract.

**NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 33, chapter 26, part 1, and the provisions of Title 33, chapter 26, part 1, apply to [section 3].

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