



General Assembly

January Session, 2009

Raised Bill No. 6354

LCO No. 2829

02829_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT REGULATING SURETY BAIL BOND AGENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-660 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section and sections 3 to 15, inclusive, of this act:

4 (1) "Commissioner" means the Insurance Commissioner;

5 (2) "Disqualifying offense" means: (A) A felony; (B) a misdemeanor
6 if an element of the offense involves dishonesty or misappropriation of
7 money or property; or (C) a misdemeanor under section 21a-279, 53a-
8 58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-176,
9 53a-178 or 53a-181d;

10 [(2)] (3) "Insurer" means any domestic, foreign or alien insurance
11 company which has qualified generally to transact surety business in
12 this state under the requirements of chapter 698 and specifically to
13 transact bail bond business in this state;

14 [(3)] "Surety bail bond agent" means any person who has been

15 approved by the commissioner and appointed by an insurer by power
16 of attorney to execute or countersign bail bonds for the insurer in
17 connection with judicial proceedings;]

18 (4) "License" means a surety bail bond agent license issued by the
19 commissioner to a qualified individual as provided in this section;

20 (5) "Managing general agent" means any person appointed or
21 employed by an insurer to supervise or otherwise manage the bail
22 bond business written in this state by surety bail bond agents
23 appointed by such insurer;

24 [(5)] (6) "Solicit" includes any written or printed presentation or
25 advertising made by mail or other publication, or any oral presentation
26 or advertising in person or by means of telephone, radio or television
27 which implies that an individual is licensed under this section, and any
28 activity in arranging for bail which results in compensation to the
29 individual conducting that activity;

30 [(6)] "Disqualifying offense" means: (A) A felony; or (B) a
31 misdemeanor if an element of the offense involves dishonesty or
32 misappropriation of money or property.]

33 (7) "Surety bail bond agent" means any person who has been
34 approved by the commissioner and appointed by an insurer by power
35 of attorney to execute or countersign bail bonds for the insurer in
36 connection with judicial proceedings.

37 (b) An insurer shall not execute an undertaking of bail in this state
38 except by and through a person holding a license issued as provided in
39 this section.

40 (c) A person shall not in this state solicit or negotiate in respect to
41 execution or delivery of an undertaking of bail or bail bond on behalf
42 of an insurer, or execute or deliver such an undertaking of bail or bail
43 bond on behalf of an insurer unless licensed as provided in this
44 section. Any person who violates the provisions of this subsection shall

45 be guilty of a class D felony.

46 (d) Only natural persons who are licensed under this section may
47 execute bail bonds. A firm, partnership, association or corporation,
48 desiring to execute an undertaking of bail in this state must do so by
49 and through a person holding a license issued as provided in this
50 section.

51 (e) Any person desiring to act within this state as a surety bail bond
52 agent shall make a written application to the commissioner for a
53 license in such form and having such supporting documents as the
54 commissioner prescribes. Each application shall be signed by the
55 applicant and shall be accompanied by a nonrefundable filing fee as
56 determined by the commissioner. The applicant must also submit with
57 the application a complete set of the applicant's fingerprints, certified
58 by an authorized law enforcement officer, and two recent credential-
59 sized full-face photographs of the applicant. At the time of application,
60 each applicant for a license shall forward a copy of the applicant's
61 complete application and supporting documents to the bond forfeiture
62 unit of the Office of the Chief State's Attorney.

63 (f) (1) Every applicant for a license must file with the commissioner
64 a notice of appointment executed by an insurer or its authorized
65 representative authorizing such applicant to execute undertakings of
66 bail and to solicit and negotiate such undertakings on its behalf.

67 (2) By appointing a surety bail bond agent, an insurer certifies to the
68 commissioner that such person is competent, financially responsible
69 and suitable to serve as a representative of the insurer. Until an insurer
70 has appointed a person as its surety bail bond agent in accordance
71 with this section, such person shall not represent to the public that
72 such person has authority to represent such insurer as its surety bail
73 bond agent. An insurer shall be liable under this section for the acts of
74 such person appointed within the scope of such person's actual or
75 apparent authority, whether such person is acting on such person's
76 own behalf or benefit or acting for the insurer.

77 (3) (A) Each appointment shall, by its terms, continue in force until:
78 [(1)] (i) Termination of the surety bail bond agent's license; or [(2)] (ii)
79 the filing of a notice of termination by the insurer or its representative
80 or by such surety bail bond agent.

81 (B) Upon the termination of a surety bail bond agent's appointment,
82 such agent shall not engage or attempt to engage in any activity
83 requiring such an appointment. An insurer that terminates the
84 appointment of a surety bail bond agent may authorize such agent to
85 continue to attempt to take custody of a defendant for whom a bail
86 bond had been written prior to the termination of such agent's
87 appointment and to seek discharge of forfeitures and judgments.

88 (C) Not later than five days after receiving notice or learning that a
89 surety bail bond agent has been arrested for, pleaded guilty or nolo
90 contendere to, or been found guilty of, a felony in this or any other
91 state, whether judgment was entered or withheld by a court, an
92 insurer, managing general agent or surety bail bond agent shall notify
93 the commissioner in writing.

94 (g) An applicant for a license shall be required to appear in person
95 and take a written examination testing the applicant's competency and
96 qualifications to act as a surety bail bond agent. The commissioner
97 may designate an independent testing service to prepare and
98 administer such examination, provided any examination fees charged
99 by such service shall be paid by the applicant. The commissioner shall
100 collect the appropriate examination fee, which shall entitle the
101 applicant to take the examination for the license, except when a testing
102 service is used, the testing service shall pay such fee to the
103 commissioner. In either case, such examination shall be as the
104 commissioner prescribes and shall be of sufficient scope to test the
105 applicant's knowledge of subjects pertinent to the duties and
106 responsibilities of a surety bail bond agent, including all laws and
107 regulations of this state applicable thereto.

108 (h) In addition to all other requirements prescribed in this section,

109 each applicant for a license shall furnish satisfactory evidence to the
110 commissioner that: (1) The applicant is at least eighteen years of age;
111 (2) the applicant is a citizen of the United States; and (3) the applicant
112 has never been convicted of a [felony or any misdemeanor under
113 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173,
114 53a-175, 53a-176, 53a-178 or 53a-181d] disqualifying offense. The
115 commissioner shall require each applicant to submit to a background
116 investigation, including an investigation of any prior criminal activity,
117 to be conducted by the Division of Criminal Justice. The Division of
118 Criminal Justice shall require each applicant to submit to state and
119 national criminal history records checks. Such criminal history records
120 checks shall be conducted in accordance with section 29-17a.

121 (i) Upon satisfying himself that an applicant meets the licensing
122 requirements of this state and is in all respects properly qualified and
123 trustworthy and that the granting of such license is not against the
124 public interest, the commissioner may issue to such applicant the
125 license applied for, in such form as he may adopt, to act within this
126 state to the extent therein specified.

127 (j) The commissioner may adopt regulations, in accordance with the
128 provisions of chapter 54, relating to the approval of schools offering
129 courses in the duties and responsibilities of surety bail bond agents,
130 the content of such courses and the advertising to the public of the
131 services of these schools.

132 (k) To further the enforcement of this section and sections 4 to 15,
133 inclusive, of this act, and to determine the eligibility of any licensee,
134 the commissioner may, as often as [he] the commissioner deems
135 necessary, examine the books and records of any such licensee, the cost
136 of which shall be borne by the licensee.

137 (l) A license may, [in] at the discretion of the commissioner, be
138 renewed or continued upon payment of the appropriate fee [as the
139 commissioner deems necessary] without the resubmittal of the detailed
140 information required in the original application.

141 (m) The commissioner shall adopt regulations_z in accordance with
142 the provisions of chapter 54_z to implement subsections (a) to (l),
143 inclusive, of this section.

144 [(n) Any individual aggrieved by the action of the commissioner in
145 revoking, suspending or refusing to reissue a license or in imposing a
146 fine or penalty may appeal therefrom, in accordance with the
147 provisions of section 4-183, except venue for such appeal shall be in the
148 judicial district of Hartford. Appeals under this section shall be
149 privileged in respect to the order of trial assignment.]

150 (n) In addition to the notification requirements set forth in section
151 38a-771, each surety bail bond agent shall provide written notice to the
152 commissioner, the appointing insurer and the managing general agent
153 not later than thirty days after a change in such surety bail bond
154 agent's principal business address or telephone number.

155 (o) Nothing in this section shall be construed as limiting an
156 individual's ability to operate as a professional bondsman in this state
157 pursuant to chapter 533 provided such individual is in compliance
158 with all requirements of said chapter.

159 Sec. 2. Section 38a-660a of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2009*):

161 The Insurance Commissioner shall furnish to all courts and to all
162 organized police departments in the state, the names of all persons
163 licensed as surety bail bond agents under this chapter and shall
164 forthwith notify such courts and all such police departments of any
165 change in any such agent's principal business address, telephone
166 number or status or of the suspension or revocation of the license of
167 any such agent to engage in such business.

168 Sec. 3. (NEW) (*Effective October 1, 2009*) No surety bail bond agent
169 shall execute a bail bond without charging the premium rate filed with
170 and approved by the commissioner pursuant to chapter 701 of the

171 general statutes.

172 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) Not later than fourteen
173 business days after execution of a surety bail bond, each surety bail
174 bond agent shall remit to the insurer the full amount received as
175 premium in accordance with section 3 of this act for each such bond
176 written to the insurer, without deduction for costs and commissions.
177 Such agent shall have no right to compensation for or on account of the
178 solicitation, negotiation or execution of an undertaking of bail or
179 surety bail bonds other than commissions and reimbursements of
180 costs, which shall be paid directly to the agent by the insurer.

181 (b) Not later than the tenth day of each month, each insurer shall
182 notify the commissioner of the failure of any surety bail bond agent to
183 remit the gross premium collected as required by subsection (a) of this
184 section. Such notice shall include the name of the surety bail bond
185 agent, the case docket number if assigned, the total amount of the
186 surety bond, the date the surety bond was posted, the five-digit
187 identification code assigned to such insurer by the National
188 Association of Insurance Commissioners and the date the filed rate
189 was due.

190 Sec. 5. (NEW) (*Effective October 1, 2009*) Not later than the tenth day
191 of each month, each surety bail bond agent shall certify to the
192 commissioner under oath, on a form prescribed by said commissioner,
193 that the premium for each surety bail bond executed by such agent did
194 not exceed, nor was less than, the premium rate as filed by the insurer
195 with, and approved by, the commissioner. The commissioner shall
196 immediately suspend the license of any surety bail bond agent found
197 to have filed a false certification and shall fine such agent ten thousand
198 dollars.

199 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) All premiums, return
200 premiums or other funds belonging to insurers or others that are
201 received by a surety bail bond agent under such agent's license shall be
202 deemed trust funds received by such agent in a fiduciary capacity.

203 Such agent shall account for and pay the same to the insurer, insured
204 or other person entitled to such funds.

205 (b) A surety bail bond agent shall keep and make available to the
206 commissioner books, accounts and records as necessary to enable the
207 commissioner to determine whether such agent is complying with
208 applicable law. A surety bail bond agent shall preserve the books,
209 accounts and records pertaining to a premium payment for at least
210 three years after making such payment. Records that are preserved by
211 computer or photographic reproduction or records that are in
212 photographic form shall be deemed to be in compliance with this
213 subsection.

214 (c) Any surety bail bond agent who unlawfully diverts or
215 appropriates such funds specified in subsection (a) of this section or
216 any portion thereof for such agent's own use shall have committed
217 larceny, as defined in section 53a-119 of the general statutes.

218 Sec. 7. (NEW) (*Effective October 1, 2009*) Each surety bail bond agent
219 shall maintain all records of surety bail bonds executed or
220 countersigned by such agent for at least three years after the liability of
221 the surety has been terminated. Such records shall be open at all times
222 to examination, inspection and photographic reproduction by any
223 employee or agent of the Insurance Department, an authorized
224 representative of the insurer or a managing general agent. The
225 commissioner may require a surety bail bond agent, at any time, to
226 furnish to the Insurance Department, in such manner or form as the
227 commissioner may require, any information concerning the surety bail
228 bond business of such agent.

229 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) All build-up funds
230 posted by a surety bail bond agent or a managing general agent, either
231 with an insurer or a managing general agent representing an insurer,
232 shall be maintained in an individual build-up trust account for the
233 surety bail bond agent by the insurer or the managing general agent.
234 The insurer or managing general agent shall establish the account in a

235 federally insured bank or savings and loan association in this state
236 jointly in the name of the surety bail bond agent and the insurer or
237 managing general agent, or in trust for the surety bail bond agent by
238 the insurer or managing general agent. The account shall be open to
239 inspection and examination by the Insurance Department at all times.
240 The insurer or managing general agent shall maintain an accounting of
241 all build-up funds and such accounting shall designate the amounts
242 collected on each bond written.

243 (b) Build-up funds shall not exceed forty per cent of the premium as
244 established by the surety bail bond agent's contract agreement with the
245 insurer or managing general agent. Build-up funds received shall be
246 immediately deposited in the build-up trust account. Interest earned
247 on build-up trust accounts shall accrue to the surety bail bond agent.

248 (c) Build-up funds are due upon termination of the surety bail bond
249 agent's contract and discharge of liabilities on the bonds for which the
250 build-up funds were posted. The insurer or managing general agent
251 shall pay the funds to the surety bail bond agent not later than six
252 months after the funds are due.

253 Sec. 9. (NEW) (*Effective October 1, 2009*) (a) A surety bail bond agent
254 that accepts collateral security or other indemnity shall comply with all
255 of the following requirements:

256 (1) The collateral security or other indemnity shall be reasonable in
257 relation to the amount of the bond;

258 (2) The collateral security or other indemnity shall not be used by
259 the surety bail bond agent for personal benefit or gain and shall be
260 returned in the same condition as received;

261 (3) Acceptable forms of collateral security or indemnity include, but
262 are not limited to, cash or its equivalent, a promissory note, an
263 indemnity agreement, a real property mortgage in the name of the
264 surety or any Uniform Commercial Code filing. If the surety bail bond

265 agent accepts on a bond collateral security in excess of fifty thousand
266 dollars in cash, the cash amount shall be made payable to the surety in
267 the form of a cashier's check, United States postal money order,
268 certificate of deposit or wire transfer;

269 (4) The surety bail bond agent shall provide to the person giving the
270 collateral security or other indemnity a written, numbered receipt that
271 describes in a detailed manner the collateral security or other
272 indemnity received, along with copies of any documents rendered;
273 and

274 (5) The collateral security or other indemnity shall be received and
275 held in the surety's name by the surety bail bond agent in a fiduciary
276 capacity and, prior to any forfeiture of bail, shall be kept separate and
277 apart from any other funds or assets of the surety bail bond agent.
278 When collateral security in excess of fifty thousand dollars in cash or
279 its equivalent is received on a bond, the surety bail bond agent
280 promptly shall forward the entire amount to the surety or managing
281 general agent.

282 (b) Collateral security may be placed in an interest-bearing account
283 in a federally insured bank or savings and loan association in this state,
284 to accrue to the benefit of the person giving the collateral security. The
285 surety bail bond agent, surety or managing general agent shall not
286 receive any pecuniary gain on the collateral security deposited.

287 (c) (1) The surety is liable for all collateral security or other
288 indemnity accepted by a surety bail bond agent. If, upon final
289 termination of liability on a bond, the surety bail bond agent or
290 managing general agent fails to return the collateral security to the
291 person that gave it, the surety shall return the actual collateral to that
292 person or, in the event that the surety cannot locate the collateral, shall
293 pay the person in accordance with this section.

294 (2) A surety's liability as described in subdivision (1) of this
295 subsection shall survive the termination of the surety bail bond agent's

296 appointment, with respect to those bonds that were executed by the
297 surety bond agent prior to the termination of the appointment.

298 (d) If a forfeiture occurs, the surety bail bond agent or surety shall
299 give the principal and the person that gave the collateral security ten
300 days' written notice of intent to convert the collateral deposit into cash
301 to satisfy the forfeiture. The notice shall be sent by certified mail,
302 return receipt requested, to the last-known address of the principal
303 and the person that gave the collateral. The surety bail bond agent or
304 surety shall convert the collateral deposit into cash within a reasonable
305 period of time and return that which is in excess of the face value of
306 the bond minus the actual and reasonable expenses of converting the
307 collateral into cash. Such expenses shall not exceed ten per cent of the
308 face value of the bond. Upon motion and proof that the actual and
309 reasonable expenses exceed ten per cent of the face value of the bond,
310 the court may allow recovery of the full amount of the actual and
311 reasonable expenses. If there is a remission of forfeiture that required
312 the surety to pay the bond, the surety shall pay to the person that gave
313 the collateral the value of any collateral received for the bond minus
314 the actual and reasonable expenses permitted to be recovered under
315 this subsection.

316 (e) A surety bail bond agent or surety shall not solicit or accept a
317 waiver of any of the provisions of this section or enter into any
318 agreement as to the value of the collateral.

319 (f) Prior to the appointment of a surety bail bond agent who is
320 currently or was previously appointed by another insurer, the surety
321 bail bond agent shall file with the commissioner a sworn and notarized
322 affidavit, on a form prescribed by the commissioner, stating that: (A)
323 There has been no loss, misappropriation, conversion or theft of any
324 collateral being held by the agent in trust for any insurer by which the
325 agent is currently or was previously appointed; and (B) all collateral
326 being held in trust by the agent and all records for any insurer by
327 which the agent is currently or was previously appointed are available

328 for immediate audit and inspection by the commissioner, the insurer,
329 or the managing general agent and will, upon demand of the
330 commissioner or insurer, be transmitted to the insurer for whom the
331 collateral is being held in trust.

332 Sec. 10. (NEW) (*Effective October 1, 2009*) (a) If collateral security or
333 other indemnity was accepted on a bond by a surety bail bond agent,
334 the surety bail bond agent, managing general agent or surety shall
335 return the collateral security or other indemnity, except a promissory
336 note or an indemnity agreement, not later than twenty-one days after
337 receipt of a written report from the court that a bond has been
338 terminated. Such collateral security or other indemnity shall be
339 returned to the person that gave the collateral security or other
340 indemnity unless another disposition is provided for by legal
341 assignment of the right to receive the collateral to another person. If,
342 despite diligent inquiry by the surety or the surety's agent to
343 determine that the bond has been terminated, the court fails to
344 provide a written report on termination, the collateral security or other
345 indemnity, except a promissory note or an indemnity agreement, shall
346 be returned to the person that gave the collateral security or other
347 indemnity not later than twenty-one days after the surety, surety bail
348 bond agent or managing general agent has become aware that the
349 bond has been terminated.

350 (b) No fee or other charge, other than that which is authorized by
351 law, shall be deducted from the collateral due. Allowable expenses
352 incurred in the apprehension of a defendant because of a forfeiture of
353 bond or judgment may be deducted if such expenses are accounted for.

354 (c) A violation of this section is:

355 (1) A class A misdemeanor if the collateral is of a value of less than
356 five hundred dollars;

357 (2) A class D felony if the collateral is of a value of at least five
358 hundred dollars but less than five thousand dollars;

359 (3) A class C felony if the collateral is of a value of at least five
360 thousand dollars but less than ten thousand dollars; and

361 (4) A class B felony if the collateral is of a value of ten thousand
362 dollars or more.

363 Sec. 11. (NEW) (*Effective October 1, 2009*) (a) No insurer, managing
364 general agent or surety bail bond agent shall furnish to any person any
365 blank form, application, stationery, business card or other supplies to
366 be used in the solicitation, negotiation or effectuation of bail bonds
367 unless such person is licensed to act as a surety bail bond agent and is
368 appointed by an insurer as set forth in section 38a-660 of the general
369 statutes, as amended by this act. This section shall not prohibit an
370 unlicensed employee who is under the direct supervision and control
371 of a licensed and appointed surety bail bond agent from possessing or
372 executing in the surety bond office any form, other than a power of
373 attorney, bond form or collateral receipt, while acting within the scope
374 of such employee's employment.

375 (b) Any insurer that furnishes any of the supplies set forth in
376 subsection (a) of this section to any surety bail bond agent or other
377 person not appointed by such insurer, and that accepts any bail bond
378 business from or writes any bail bond business for that surety bail
379 bond agent or other person, is liable on the bond to the same extent
380 and in the same manner as if the surety bail bond agent or other
381 person had been appointed or authorized by an insurer to act on its
382 behalf.

383 Sec. 12. (NEW) (*Effective October 1, 2009*) No surety bail bond agent
384 or insurer shall:

385 (1) Suggest or advise the employment of or name for employment
386 any particular attorney to represent its principal;

387 (2) Directly or indirectly solicit business in or on the property or
388 grounds of a jail, prison or other place where prisoners are confined, or

389 in or on the property or grounds of any court. For purposes of this
390 subdivision, "solicit" includes the distribution of business cards, print
391 advertising or any other written information directed to prisoners or
392 potential indemnitors, unless a request is initiated by the prisoner or
393 potential indemnitor. Permissible print advertising in a detention
394 facility shall be limited to a listing in a telephone directory and the
395 posting of the surety bail bond agent's name, address and telephone
396 number in a designated location within the detention facility;

397 (3) Wear or otherwise display any identification, other than an
398 Insurance Department-issued or approved license or identification
399 approved by the commissioner, in or on the property or grounds of a
400 jail, prison or other place where prisoners are confined, or in or on the
401 property or grounds of any court;

402 (4) Pay a fee or rebate or give or promise anything of value to a
403 jailer, law enforcement officer, committing magistrate or other person
404 who has power to arrest or to hold in custody, or to any public official
405 or public employee, to secure a settlement, compromise, remission or
406 reduction of the amount of any bail bond or estreatment of bail;

407 (5) Pay a fee or rebate or give or promise anything of value to an
408 attorney in a bail bond matter, except in defense of any action on a
409 bond;

410 (6) Pay a fee or rebate or give or promise anything of value to the
411 principal or to anyone on the principal's behalf;

412 (7) Participate in the capacity of an attorney at a trial or hearing of a
413 principal;

414 (8) Accept anything of value from a principal for providing a bail
415 bond, other than the premium filed with and approved by the
416 commissioner and an expense fee, except that the surety bail bond
417 agent may, in accordance with section 9 of this act, accept collateral
418 security or other indemnity from a principal or other person together

419 with documentary stamp taxes, if applicable. No fees, expenses or
420 charges of any kind shall be deducted from the collateral held or from
421 any return premium due, except as authorized by law. A surety bail
422 bond agent may, upon written agreement with a third party, receive a
423 fee or other compensation for returning to custody an individual who
424 has fled the jurisdiction of the court or caused the forfeiture of a bond;

425 (9) Execute a bond in this state on such agent's or insurer's own
426 behalf; or

427 (10) Execute a bond in this state if a bond executed by the surety bail
428 bond agent is forfeited and such forfeiture has remained unpaid for at
429 least sixty days after the date payment has become due, unless the full
430 amount of the forfeited bond is paid to the Office of the Chief State's
431 Attorney.

432 Sec. 13. (NEW) (*Effective October 1, 2009*) (a) Each insurer and each
433 surety bail bond agent that writes bail bonds in this state shall
434 maintain and transmit the following information, based on such
435 insurer's or such agent's Connecticut bail bond business, to the
436 Insurance Department upon request and shall report the information
437 separately for each company represented. Subdivisions (1), (12) and
438 (13) of this subsection shall apply only to insurers:

439 (1) Commissions paid;

440 (2) The number of, and the total dollar amount of, bonds executed;

441 (3) The number of, and the total dollar amount of, bonds declared
442 forfeited;

443 (4) The number of, and the total dollar amount of, forfeitures
444 discharged, remitted or otherwise recovered prior to payment for any
445 reason;

446 (5) The number of, and the total dollar amount of, forfeitures
447 discharged, remitted or otherwise recovered prior to payment due to

448 the apprehension of the defendant by the bail bond agent;

449 (6) The number of, and the total dollar amount of, forfeited bonds
450 that have not been reinstated pursuant to section 54-65a of the general
451 statutes;

452 (7) The number of, and the total dollar amount of, forfeitures paid
453 and subsequently recovered by the Office of the Chief State's Attorney
454 by discharge, remission or otherwise;

455 (8) A list of every outstanding or unpaid forfeiture, estreature and
456 judgment, with the case number and the name of the court in which
457 such forfeiture, estreature or judgment is recorded and the name of
458 each agency or firm that employs the bail bond agent;

459 (9) The number of, and the total dollar amount of, bonds for which
460 collateral was accepted;

461 (10) The actual realized value of collateral converted, excluding the
462 cost of converting the collateral;

463 (11) The cost of converting collateral;

464 (12) The underwriting gain or loss;

465 (13) The net investment gain or loss allocated to the flow of funds
466 associated with Connecticut business; and

467 (14) Such additional information as the Insurance Department may
468 require to: (A) Evaluate the reasonableness of rates or ensure that such
469 rates are not excessive, inadequate or unfairly discriminatory; (B)
470 evaluate the financial condition or trade practices of surety bail bond
471 agents and sureties executing bail bonds; and (C) evaluate the
472 performance of the commercial bail bond industry in accordance with
473 appropriate criminal justice system goals and standards.

474 (b) Each bail bond agent shall submit a copy of such information to
475 each insurer such agent represents.

476 Sec. 14. (NEW) (*Effective October 1, 2009*) (a) The commissioner, after
477 reasonable notice to and hearing of any holder of a surety bail bond
478 agent license issued by the commissioner, may suspend or revoke the
479 license for cause shown as set forth in section 38a-774 of the general
480 statutes.

481 (b) Upon the surrender, suspension or revocation of a surety bail
482 bond agent's license, the appointing insurer or managing general agent
483 shall immediately designate a licensed and appointed surety bail bond
484 agent to administer all bail bonds previously written by the licensee.

485 (c) Any individual aggrieved by the action of the commissioner in
486 revoking, suspending or refusing to reissue a license or in imposing a
487 fine or penalty may appeal therefrom, in accordance with the
488 provisions of section 4-183 of the general statutes, except venue for
489 such appeal shall be in the judicial district of Hartford. Appeals under
490 this section shall be privileged in respect to the order of trial
491 assignment.

492 Sec. 15. (NEW) (*Effective October 1, 2009*) The commissioner may
493 adopt regulations, in accordance with the provisions of chapter 54 of
494 the general statutes, to implement the provisions of section 38a-660 of
495 the general statutes, as amended by this act, and sections 3 to 15,
496 inclusive, of this act.

497 Sec. 16. Section 29-152n of the general statutes is repealed and the
498 following is substituted in lieu thereof (*Effective October 1, 2009*):

499 Any person who violates any provision of sections 29-152e to
500 29-152m, inclusive, [and 38a-660a] shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	38a-660
Sec. 2	<i>October 1, 2009</i>	38a-660a
Sec. 3	<i>October 1, 2009</i>	New section

Section 1	<i>October 1, 2009</i>	38a-660
Sec. 2	<i>October 1, 2009</i>	38a-660a
Sec. 3	<i>October 1, 2009</i>	New section

Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	New section
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	New section
Sec. 12	<i>October 1, 2009</i>	New section
Sec. 13	<i>October 1, 2009</i>	New section
Sec. 14	<i>October 1, 2009</i>	New section
Sec. 15	<i>October 1, 2009</i>	New section
Sec. 16	<i>October 1, 2009</i>	29-152n

Statement of Purpose:

To improve the regulation of surety bail bond agents in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]