

AMENDATORY SECTION (Amending WSR 08-20-036, filed 9/23/08, effective 11/1/08)

WAC 308-19-100 Applying for a bail bond agent license. After the applicant meets the requirements of RCW 18.185.020 ((he/she)) they shall:

(1) Complete an application for a license on a form provided by the department of licensing.

(2) Inform the department if ((he/she has)) they have an insurance surety license and with what company ((he/she is)) they are affiliated.

(3) Pay a fee or fees as listed in WAC 308-19-130.

(4) Pass a written exam administered by the department or submit proof of ((twelve)) 12 hours of prelicense training as provided in Part D, WAC 308-19-300. The training must have occurred within the previous six months or less.

AMENDATORY SECTION (Amending WSR 16-13-002, filed 6/1/16, effective 7/2/16)

WAC 308-19-101 Applying for a bail bond recovery agent license or endorsement to a bail bond agent license. After the applicant meets the requirements of RCW 18.185.020 (1), (2) and (3), and is in good standing with the department ((he-or-she)), they shall:

(1) Complete an application for a license or an endorsement on a form provided by the department;

(2) Submit to a criminal history background check;

(3) Attest on the application form to having earned a high school diploma or GED or submit proof of three years experience in the bail industry;

(4) Submit a copy of a current and valid concealed pistol license;

(5) If applicant is retired or separated from a local or state police department, or a branch of the armed forces trained to carry out the duties of a peace officer within the last six years, submit proof to the department describing length of service, duties and date of retirement or separation or; submit a certificate or transcript showing the applicant has completed ((thirty-two)) 32 hours of field operations classes as stated in WAC 308-19-305;

(6) Pay a fee or fees as listed in WAC 308-19-130;

(7) Pass a written exam administered by the department.

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

WAC 308-19-105 Applying for a bail bond agency license. To qualify for a bail bond agency license the applicant shall:

Complete the requirements of the bail bond agent license and;

(1) Submit to the department proof of work experience as required under RCW 18.185.030 (1)(b).

(a) Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting.

(b) Applicants who do not have the required work experience shall train and pass an examination as stated under Part D, WAC 308-19-300.

(2) Complete an application for an agency license on a form provided by the department of licensing.

(3) Pay a fee or fees as required by WAC 308-19-130.

(4) Obtain a bond for the main office as required by RCW 18.185.070.

(5) The applicant shall disclose the surety(s) name, address, the attorney in fact, and whose name the build-up fund is in.

If the applicant changes their corporate surety, the applicant shall immediately advise the department.

(6) If the applicant provides security in the form of real property, the applicant shall advise the department of the names of the court(s) that have given approval for the placing of property bonds.

(7) Sole proprietorships shall act as the qualified agent of the agency without the payment of additional license fees.

(8) Partnerships or limited partnership applicants shall each apply, qualify and furnish their addresses to the director.

When a license is issued to a partnership, the principal partner shall act as the qualified agent of the agency without the payment of additional license fees.

(9) Applicants representing a corporation shall furnish a copy of the articles of incorporation, and a list of officers and departments and their addresses to the director.

When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional license fees.

(10) If the applicant represents a foreign corporation, (~~he/she~~) they shall furnish a copy of its articles of incorporation, and a list of its officers and departments and their addresses to the department.

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

WAC 308-19-107 Responsibilities of the qualified agent. The qualified agent shall be responsible for all transactions, recordkeeping, and the employees of each office (~~(he or she is)~~) they are licensed as the qualified agent.

Under 18.185.010(5), a qualified agent is "an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license." The qualified agent essentially serves as "manager" of the bail bond agency, and is responsible for all bail bond transactions conducted by the bail bond agents employed by the agency. See RCW 18.185.100 (qualified agent shall keep required records and ensure safekeeping of collateral or security); RCW 18.185.220 (every branch office must have a qualified agent serving as manager);

Each branch office must be managed by a qualified agent. A qualified agent may serve as a qualified agent of multiple offices. Al-

though the qualified agent remains ultimately responsible for bail bond transactions, a qualified agent is permitted to delegate managerial functions to licensed bail bond agents. However, a qualified agent may not delegate managerial or supervisory functions to unlicensed staff because such functions necessarily involve participation in the sale or issuance of bail bonds.

Allowing unlicensed staff to participate in the sale or issuance of bail bonds could lead to charges of aiding or abetting unlicensed activity in violation of RCW 18.185.110(10) and 18.235.130(9).

Any agency going out of business in the state of Washington shall continue to be obligated on all outstanding bonds until the director receives notification from the jurisdiction in which the agency/branch offices are located that all bonds have been exonerated and the department of licensing has received no complaints from indemnitor about the return of collateral. The director may require an audit of the closing agency at any time upon notification of the closing of the agency.

AMENDATORY SECTION (Amending WSR 08-20-036, filed 9/23/08, effective 11/1/08)

WAC 308-19-140 Renewal and expiration of licenses and endorsements. (1) Licenses and endorsements issued to bail bond agents, bail bond agencies, branch offices, or bail bond recovery agents expire one year from the date of issue.

(2) Licenses and endorsements must be renewed each year on or before the date of expiration and a renewal fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license or endorsement renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license or endorsement shall be canceled if an application for a renewal of that license or endorsement is not received by the director within one year from the date of expiration. A person may obtain a new license or endorsement by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No bail bond agent, or bail bond agency shall engage in the sale or issuance of bail bonds if their license has expired. No bail bond recovery agent shall perform the duties of a bail bond recovery agent if (~~his/her~~) their license has expired.

(6) When the director receives verification that a bail bond agent or recovery agent license has expired or has been revoked or suspended, the director shall advise correction centers.

(7) By renewing the bail bond agent, bail bond recovery agent, or bail bond qualified agent license with the department, the licensee is making declaration that they have met the requirements for annual continued education.

WAC 308-19-305 Minimum prelicense training requirements and exceptions for bail bond recovery agents. (1) Applicants for a license or an endorsement as a bail bond recovery agent must complete not less than (~~(thirty-two)~~) 32 hours of prelicense training in field operations and self-study in the following subjects, except as otherwise provided in this section.

(a) Prelicense training in civil or criminal law can be achieved through public or private instruction or self-study and must include the following training topics:

- (i) State statutes relating to bail regulations;
- (ii) Constitutional law;
- (iii) Procedures for surrendering defendants into custody;
- (iv) Procedures for exoneration;
- (v) Civil liability;
- (vi) Civil rights of persons who are detained in custody;
- (vii) Basic principles of identifying and locating defendants to include public records and confidentially, and surveillance;
- (viii) Contracts;
- (ix) Powers of a bail bond recovery agent;

(b) Prelicense training in procedures for field operations can be achieved through public or private instruction and must include the following training and certifications:

(i) Training in use of force and degrees of force, including verbal, Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units;

- (ii) Safety techniques;
- (iii) Entering and searching buildings;
- (iv) The custody and transportation of prisoners including persons who are violent, emotionally disturbed or under the influence of alcohol, or drugs;
- (v) Defensive tactics;
- (vi) Application of restraints/handcuffing procedures;
- (vii) All applicants shall obtain gun safety training from an approved trainer, or applicants intending to carry a firearm as a bail bond recovery agent shall obtain and keep current firearm certification from the criminal justice training commission;

(viii) Certification in the following defensive tools: Taser X/M26, baton either expandable, straight stick, or side handle, and oleo capsicum resin sprays or foams rated at 100,000 to 2,000,000 Scoville Heat Units within (~~(twelve)~~) 12 months of applying for a license or endorsement.

(2) In place of completing the prelicense training in procedures for field operations established in subsection (1) of this section required under RCW 18.185.260, an applicant may submit proof to the department that (~~(he/she has)~~) they have 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 within the past six years.

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

WAC 308-19-420 Conducting a brief adjudicative proceeding. (1)

Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision, which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in ~~((his or her))~~ their discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ~~((ten))~~ 10 days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

AMENDATORY SECTION (Amending WSR 00-01-061, filed 12/13/99, effective 1/13/00)

WAC 308-19-440 Standards of professional conduct. (1) A bail

bond agent shall maintain a detailed record of any collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral.

(2) A bail bond agent shall preserve or retain separately any collateral or to retain any collateral taken as security on any bond.

(3) A bail bond agent shall not have an outstanding judgment on a bail forfeiture, which judgment is or has been subject to execution on demand.

(4) A bail bond agent shall not use a relationship with any person employed by a jail facility to obtain referrals, or pay a fee or rebate or give or promise anything of value to any person having the power of arrest or having control of federal, state, county, or municipal prisoners, trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

(5) A bail bond agent shall not require as a condition of ~~((his/her))~~ their executing a bail bond that the principal or defendant agree to engage the services of a specific attorney.

(6) A bail bond agent shall not prepare or issue forged bonds or a forged power of attorney.

(7) A bail bond agent shall not arrest or make a threat of arrest to a defendant when the defendant or the indemnitor fails to fulfill a promise to repay credit extended by the bail bond agent.

(8) A bail bond agent shall not pay a fee or rebate or give or promise anything of value to the principal or anyone on ((~~his or her~~)) their behalf.

(9) A bail bond agent shall not pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered on behalf of the bail bond agent.

(10) A bail bond agent shall not pay a fee or rebate or pay for a referral except from another bonding company, or promise anything of value to a person in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond.