West Virginia Legislature

2023 REGULAR SESSION

Introduced

House Bill 2679

BY Delegate Foster

[Introduced January 17, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal case.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. Authorization for Department of revenue to promulgate legislative rules.

§64-7-1. Insurance Commission.

The legislative rule filed in the State Register on August 17, 2022, authorized under the authority of §51-10-8 of this code, modified by the Insurance Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Insurance Commission (bail bondsmen in criminal case, [114 CSR 103](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=114-103)), is authorized with the amendments set forth below:

The Legislative Rule Making Review Committee moved to amend the rule on page 1, section 2, by striking from the text of section 2.4.1 the words "also referred to as "surety bondsmen."";

On page 1, section 2, by striking from the text of section 2.4.2 the words "also referred to as "professional bondsmen."";

On page 2, section 2, by striking out the text of section 2.9 in its entirety and inserting in lieu thereof the following text: "2.9. "Professional bondsman" means any person who has been approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, or real estate with the Commissioner as security for bail bonds written in connection with a judicial proceeding, and charges, receives or is promised money or other things of value in exchange for his or her services.";

On page 2, section 2, by striking out the text of section 2.10 in its entirety and inserting in lieu thereof the following text: "2.10. "Securities" or "approved securities" means cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in this State that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth in this rule.";

On page 2, section 2, by striking out the text of section 2.11 in its entirety and inserting in lieu thereof the following text:

"2.11. "Surety bondsman" means a person who:

2.11.1. Has been approved and licensed by the Commissioner as an insurance producer with a property and casualty line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer through a qualified power of attorney in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services; or

2.11.2. Posts approved security by providing the Commissioner with a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement and being approved and licensed by the Commissioner as an insurance producer with a limited lines surety line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services."

And,

On page 3, section 3, by striking from the text of section 3.2.1.b the words "is a licensed insurance producer with a property and casualty line of authority, and".

NOTE: The purpose of this bill is to authorize the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal case.

This section is new; therefore, strike-throughs and underscoring have been omitted.