WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2679

BY Delegate Foster

[Introduced January 17, 2023; Referred to the

Committee on the Judiciary]

1   A BILL to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to

2   authorizing the Insurance Commission to promulgate a legislative rule relating to bail

3   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.

1   The legislative rule filed in the State Register on August 17, 2022, authorized under the

2   authority of §51-10-8 of this code, modified by the Insurance Commission to meet the objections of

3   the Legislative Rule-Making Review Committee and refiled in the State Register on October 4,

4   2022, relating to the Insurance Commission (bail bondsmen in criminal case, 114 CSR 103), is

5   authorized with the amendments set forth below:

6   The Legislative Rule Making Review Committee moved to amend the rule on page 1,

7   section 2, by striking from the text of section 2.4.1 the words "also referred to as "surety

8   bondsmen."";

9   On page 1, section 2, by striking from the text of section 2.4.2 the words "also referred to as

10   "professional bondsmen."";

11   On page 2, section 2, by striking out the text of section 2.9 in its entirety and inserting in lieu

12   thereof the following text: "2.9. "Professional bondsman" means any person who has been

13   approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of

14   credit, an annuity purchased through an insurance company licensed and in good standing in this

15   State, a bond issued by an insurance company licensed and in good standing in this State, or real

16   estate with the Commissioner as security for bail bonds written in connection with a judicial

17   proceeding, and charges, receives or is promised money or other things of value in exchange for

18   his or her services.";

19   On page 2, section 2, by striking out the text of section 2.10 in its entirety and inserting in

20   lieu thereof the following text: "2.10. "Securities" or "approved securities" means cash, an

21   irrevocable letter of credit, an annuity purchased through an insurance company licensed and in

22   good standing in this State, a bond issued by an insurance company licensed and in good

23   standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer

24   underwriting agreement, or real estate located in this State that is unencumbered in, at least, the

25   amount of minimum financial responsibility required as set forth in this rule.";

26   On page 2, section 2, by striking out the text of section 2.11 in its entirety and inserting in

27   lieu thereof the following text:

28   "2.11. "Surety bondsman" means a person who:

29   2.11.1. Has been approved and licensed by the Commissioner as an insurance

30   producer with a property and casualty line of authority and appointed by an insurer to execute or

31   countersign bail bonds for the insurer through a qualified power of attorney in connection with

32   judicial proceedings and charges, receives or is promised money or other things of value in

33   exchange for his or her services; or

34   2.11.2. Posts approved security by providing the Commissioner with a qualified

35   power of attorney issued by an insurer pursuant to a producer underwriting agreement and being

36   approved and licensed by the Commissioner as an insurance producer with a limited lines surety

37   line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in

38   connection with judicial proceedings and charges, receives or is promised money or other things

39   of value in exchange for his or her services."

40   And,

41   On page 3, section 3, by striking from the text of section 3.2.1.b the words "is a licensed

42   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.