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FCVG< June 23, 2011

VQ< Bail Agents and Surety Carriers That Provide Bail Bond Contracts

HTQO < William W. Deal, Director

UWDLGEV< IDAPA Rule 18.01.04 (Bail Rule)

The purpose of this bulletin is to remind bail agents and surety carriers that the 2011 Legislature approved a new rule issued by the Department relating to permitted bail practices in the State of Idaho. **FCRC'3: 0306** became effective April 7, 2011. All persons involved in the business of bail in Idaho should carefully review this rule. The full text of the rule is available through the Department's website at www.doi.idaho.gov, by clicking on the link to rules.

Following is a brief summary of the pertinent sections of Rule 18.01.04:

Ugevlqp'234<"A bail agent must notify the Department of changes of name address, appointment and affiliation.

Ugevlqp'235<"Criminal background checks are required for bail agent license renewal."
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Ugevlqp'236<"Stacking of bail bonds is prohibited.

Ugevlqp'237<"A bail agent is required to notify the surety within ten days from the date a Notice of Forfeiture is received by the agent from the court."
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~~**Ugevlqp'238<**"Charges and fees outside the scope of Idaho Code Section 41-1042 must be negotiated separately after the bail bond has been effectuated, and collateral accepted in connection with the bail bond transaction is to be used only for reimbursement of penal amounts paid to the court by the surety."~~

CORRECTION/UPDATE as of Feb. 18, 2015: Effective March 20, 2014, IDAPA 18.01.04.016 was repealed and therefore the above paragraph is stricken.

Ugevlqp'239<"If a bail agent extends credit for the payment of bail premium, the arrangement must be documented by a written agreement that includes, at a minimum, the names of the parties, the premium amount financed, the per annum rate of interest, the schedule of payments and signatures of all parties.

Section 018: Explains that for purposes of Idaho Code Section 41-1329(6), liability for payment of a forfeiture is “reasonably clear” if a defendant has not appeared or has not been brought before the court within one hundred eighty days after the entry of the Order of Forfeiture or a motion to set aside has not been filed within five business days after expiration of the one hundred eighty days.

The above descriptions are provided only as summaries of the new requirements. Agents and sureties involved in the business of bail in Idaho are expected to be familiar with all the requirements of **IDAPA 18.01.04**, as well as the applicable statutory requirements of **Title 41**, Idaho Code. Persons with questions regarding this bulletin should contact the Department of Insurance at (208) 334-4250.