

CHAPTER 266

PROFESSIONS AND OCCUPATIONS

SENATE BILL 93-16

BY SENATOR Mutzebaugh;
also REPRESENTATIVE Owen.

AN ACT

CONCERNING THE REGULATION OF BAIL BONDING AGENTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 7 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

**ARTICLE 7
Bail Bonding Agent**

12-7-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of insurance.

(2) "Division" means the division of insurance.

(3) "Insurer" means any domestic or foreign corporation, association, partnership, or individual engaged in the business of insurance or suretyship which has qualified to transact surety or casualty business in this state.

(4) ~~"Professional bondsman"~~ "PROFESSIONAL BONDING AGENT" means any person who furnishes bail for compensation in any court or courts in this state and who is appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and who is other than a full-time salaried officer or employee of an insurer or a person who pledges United States currency, A United States postal money order, A cashier's check, or other property as security for a bail bond in connection with a judicial proceeding, whether for compensation or

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

otherwise.

(5) Repealed, L. 88, p. 484, § 11, effective July 1, 1988.

12-7-102. License required - qualifications - enforcement. (1) No person shall act in the capacity of a professional ~~bondsman~~ BONDING AGENT or perform any of the functions, duties, or powers of the same unless that person is qualified and licensed as provided in this article. ~~The terms of this article shall not apply to insurers regulated under title 10 (except part 7 of article 4 and article 15) and article 14 of title 24, C.R.S.~~

(2) No license shall be issued except in compliance with this article, and none shall be issued except to an individual. No firm, partnership, association, or corporation, as such, shall be licensed. No person engaged as a law enforcement or judicial officer shall be licensed under this article. Every applicant shall provide satisfactory evidence to the commissioner that ~~he~~ SUCH APPLICANT:

(a) Is eighteen years of age or older;

(b) Is a resident of this state;

(c) Is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

(d) Has not served a sentence upon a conviction of a felony or any crime involving moral turpitude in a correctional facility, a city or county jail, or community corrections or under the supervision of the state board of parole or any probation department within the last ten years;

(e) Has not had ~~his~~ A license revoked in the immediate past five years in this or any other state.

(3) The division is vested with the authority to enforce the provisions of this article. The division shall have authority to make investigations and promulgate such rules and regulations as may be necessary for the enforcement of this article.

(4) Each license issued under this article shall expire annually on January 31 unless revoked or suspended prior thereto by the division or upon notice served upon the commissioner by the insurer or the employer or user of any licensee that such insurer, employer, or user has cancelled the licensee's authority to act for or in behalf of such insurer, employer, or user.

(5) The division shall prepare and deliver to each licensee a pocket card showing the name, address, and classification of such licensee and shall certify that such person is a licensed professional ~~bondsman~~ BONDING AGENT.

12-7-103. License requirements - application - qualification bond - forfeiture.

(1) Any person desiring to engage in the business of professional ~~bondsman~~ BONDING AGENT in this state shall apply to the division for a license on forms prepared and furnished by the division. Such application for a license or renewal thereof shall set forth, under oath, the following information:

(a) Full name, age, residence during the previous twelve months, occupation, and business address of the applicant;

(b) Repealed, L. 81, p. 677, § 7, effective May 13, 1981.

(c) Whether the applicant has been convicted of a felony or a crime involving moral turpitude during the previous ten years;

(d) Such other information including but not limited to a complete set of fingerprints certified to by an authorized law enforcement official and a full-face photograph, as may be required by this article or by the division.

(e) Repealed, L. 81, p. 677, § 7, effective May 13, 1981.

(f) Repealed, L. 88, p. 484, § 11, effective July 1, 1988.

(2) Each applicant shall satisfy the division of ~~his~~ SUCH APPLICANT'S good moral character by furnishing references thereof.

(3) (a) Each applicant for professional ~~bondsman~~ BONDING AGENT shall be required to post a qualification bond in ~~the~~ AN amount of NOT LESS THAN fifty thousand dollars with the division. The qualification bond shall meet such specifications as may be required and approved by the division. Such bond shall be conditioned upon the full and prompt payment on any bail bond issued by such professional ~~bondsman~~ BONDING AGENT into the court ordering such bond forfeited. PROFESSIONAL BONDING AGENTS AUTHORIZED AS CASH BONDING AGENTS PURSUANT TO SUBSECTION (7) OF THIS SECTION MAY ONLY ISSUE BONDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16-4-104 (1) (b) (III), C.R.S. The bond shall be to the people of the state of Colorado in favor of any court in this state, whether municipal, county, district, or other court. Any qualification bond for a professional ~~bondsman~~ BONDING AGENT shall also be to the commissioner and the division to fulfill the purposes of this section. IN THE EVENT OF A FORFEITURE OF A PROFESSIONAL BONDING AGENT'S QUALIFICATION BOND, THE DIVISION SHALL HAVE PRIORITY OVER ALL OTHER CLAIMANTS TO SUCH BOND.

(b) IF ANY BOND ISSUED BY A PROFESSIONAL BONDING AGENT IS DECLARED FORFEITED, AND JUDGMENT IS ENTERED THEREON BY A COURT OF PROPER JURISDICTION, AND THE AMOUNT OF THE BOND IS NOT PAID WITHIN A REASONABLE TIME TO BE DETERMINED BY THE COURT BUT NOT TO EXCEED NINETY DAYS, SUCH COURT SHALL ORDER THE DIVISION TO DECLARE THE QUALIFICATION BOND OF SUCH PROFESSIONAL BONDING AGENT TO BE FORFEITED AFTER A HEARING AS PROVIDED IN SECTION 12-7-106 (2). THE DIVISION SHALL THEN ORDER THE SURETY ON THE QUALIFICATION BOND TO DEPOSIT WITH THE COURT AN AMOUNT EQUAL TO THE AMOUNT OF THE BOND ISSUED BY SUCH PROFESSIONAL BONDING AGENT AND DECLARED FORFEITED BY THE COURT OR THE AMOUNT OF THE QUALIFICATION BOND, WHICHEVER IS THE SMALLER AMOUNT. THE DIVISION SHALL SUSPEND THE LICENSE OF SUCH PROFESSIONAL BONDING AGENT UNTIL SUCH TIME AS ALL FORFEITURES AND JUDGMENTS ORDERED AND ENTERED AGAINST THE PROFESSIONAL BONDING AGENT HAVE BEEN CERTIFIED AS PAID OR VACATED BY ORDER OF A COURT OF RECORD AND ANOTHER QUALIFICATION BOND IN THE REQUIRED AMOUNT IS POSTED WITH THE DIVISION.

~~(4) If any bond issued by a professional bondsman is declared forfeited and judgment entered thereon by a court of proper jurisdiction and the amount of the bond is not paid within a reasonable time, to be determined by the court but in no event to exceed ninety days, such court shall order the division to declare the qualification bond of such professional bondsman to be forfeited after a hearing as provided in section 12-7-106 (2). The division shall then order the surety on the qualification bond to deposit with the court an amount equal to the amount of the bond issued by such professional bondsman and declared forfeited by the court or the amount of the qualification bond, whichever is the smaller amount. The division shall suspend the license of such professional bondsman until such time as all forfeitures and judgments ordered and entered against the professional bondsman have been certified as paid or vacated by order of a court of record and another qualification bond in the required amount is posted with the division.~~ PRIOR TO BEING LICENSED, EVERY PERSON APPLYING TO PRACTICE AS A PROFESSIONAL BONDING AGENT IN THIS STATE SHALL PASS AN EXAMINATION APPROVED AND ADOPTED BY THE DIVISION. THE PASSING SCORE ON SUCH EXAMINATION SHALL BE SET BY THE DIVISION AT SUCH LEVEL AS IS NECESSARY TO ASSURE THAT EACH PERSON PASSING SUCH EXAMINATION HAS THE MINIMUM NECESSARY LEVEL OF COMPETENCY TO PRACTICE AS A PROFESSIONAL BONDING AGENT IN THIS STATE. THE DIVISION SHALL PERIODICALLY UPDATE THE LICENSURE EXAMINATION AS NECESSARY TO ENSURE THAT ALL PERSONS PASSING SUCH EXAMINATION HAVE THE MINIMUM NECESSARY LEVEL OF COMPETENCY TO PRACTICE AS PROFESSIONAL BONDING AGENTS IN THIS STATE.

(5) Upon receipt of the license application, the required fee, and an approved qualification bond in the required amount, PASSAGE OF THE EXAMINATION, and compliance with this article, the division shall issue to the applicant a license to do business as a professional ~~bondsman~~ BONDING AGENT.

(6) No licensed professional ~~bondsman~~ BONDING AGENT shall ~~have in his employ~~ in the SUCH BONDING AGENT'S bail bond business any person who could not qualify for a license under this article, nor shall any licensed professional ~~bondsman~~ BONDING AGENT have as a partner or associate in such business any person who could not so qualify.

(7) NO PERSON CAN QUALIFY TO BE A PROFESSIONAL BONDING AGENT UNLESS SUCH PERSON IS A LICENSED INSURANCE PRODUCER APPOINTED TO REPRESENT AN INSURANCE COMPANY UNDER ARTICLE 2 OF TITLE 10, C.R.S. HOWEVER, ANY PROFESSIONAL BONDING AGENT WHO WAS LICENSED BY THE DIVISION AS OF JANUARY 1, 1992, TO WRITE BAIL BONDS AS A CASH BONDING AGENT SHALL BE PERMITTED TO CONTINUE SUCH LICENSURE UPON COMPLIANCE WITH THE OTHER REQUIREMENTS OF THIS ARTICLE.

12-7-104. License fees. Each license application and application for license renewal to engage in the business of professional ~~bondsman~~ BONDING AGENT shall be accompanied by a fee of two hundred dollars.

12-7-104.5. Advisory committee. (1) THERE IS HEREBY CREATED AN ADVISORY COMMITTEE OF THREE PERSONS TO ADVISE THE COMMISSIONER ON ISSUES CONCERNING BAIL BONDS AND ON COMPLAINTS CONCERNING LICENSEES AND THE BAIL BOND INDUSTRY. THE COMMITTEE SHALL BE COMPOSED OF ONE PROFESSIONAL BONDING AGENT, ONE ATTORNEY, AND ONE PERSON REPRESENTING THE DIVISION.

THE COMMITTEE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MAY BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES. APPOINTMENTS SHALL BE MADE BY THE COMMISSIONER FOR TERMS OF ONE YEAR. VACANCIES WHICH OCCUR DURING ANY TERM SHALL BE FILLED BY THE COMMISSIONER FOR THE REMAINDER OF SUCH TERM.

(2) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1996.

(b) PRIOR TO SAID REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

12-7-105. Reports and records required - professional bonding agents - division. (1) Each professional ~~bondsman~~ BONDING AGENT licensed under the provisions of this article shall, under oath, report semiannually to the division on forms prescribed by the division. The reports shall be made prior to January 31 and July 31 of each year and shall contain the following detailed information for the preceding calendar year:

(a) The names of the persons for whom such professional ~~bondsman~~ BONDING AGENT has become surety;

(b) The date and amount of the bonds issued by such ~~bondsman~~ BONDING AGENT and the court in which such bonds were posted;

(c) The fee for each bond charged by such professional ~~bondsman~~ BONDING AGENT;

(d) The amount of collateral or security received from insured principals or persons acting on behalf of such principals by such professional ~~bondsman~~ BONDING AGENT on each bond;

(e) ~~Such further information as the division may require including, but not limited to, residence and business addresses, financial statements, and other business activities of the professional bondsman~~ THE NAMES OF ALL PERSONS WHO ARE EMPLOYEES, PARTNERS, AND ASSOCIATES OF THE PROFESSIONAL BONDING AGENT. SUCH BONDING AGENT SHALL IMMEDIATELY REPORT ANY CHANGE IN THE LIST OF NAMES TO THE DIVISION.

(f) SUCH FURTHER INFORMATION AS THE DIVISION MAY REQUIRE INCLUDING, BUT NOT LIMITED TO, RESIDENCE AND BUSINESS ADDRESSES, FINANCIAL STATEMENTS, AND OTHER BUSINESS ACTIVITIES OF THE PROFESSIONAL BONDING AGENT.

(2) THE DIVISION SHALL KEEP RECORDS AS NECESSARY OF ALL MATTERS PERTAINING TO ITS REGULATION OF BAIL BONDING AGENTS. SUCH RECORDS SHALL BE KEPT IN COMPLIANCE WITH ARTICLE 17 OF TITLE 6, C.R.S., AND SHALL INCLUDE COPIES OF ALL APPLICATIONS, EXAMINATIONS, AND REPORTS FILED BY OR COMPLETED ON BEHALF OF ANY BONDING AGENT OR PERSON SEEKING LICENSURE AS A BONDING AGENT; COMPLAINTS REGARDING ANY FACET OF THE BAIL BOND INDUSTRY INCLUDING BUT NOT LIMITED TO COMPLAINTS INVOLVING ANY LICENSEE; AND SUMMARIES OF ACTIONS TAKEN BY THE DIVISION AGAINST OR ON BEHALF OF ANY SUCH BONDING AGENT.

12-7-106. Denial, suspension, revocation, and refusal to renew license - hearing - alternative civil penalty. (1) The division shall deny, suspend, revoke, or refuse to renew, as may be appropriate, the license of any person engaged in the business of professional bonding agent for any of the following reasons:

(a) Any cause for which the issuance of the license could have been refused had it then existed and been known to the division;

(b) Failure to post a qualified bond in the required amount with the division during the period such person is engaged in the business within this state or, if such bond has been posted, the forfeiture or cancellation of such bond;

(c) Material misstatement, misrepresentation, or fraud in obtaining the license;

(d) Misappropriation, conversion, or unlawful withholding of moneys belonging to insured principals or others and received in the conduct of business under the license;

(e) Fraudulent or dishonest practices in the conduct of the business under the license;

(f) Willful failure to comply with or willful violation of any provisions of this article or of any proper order, rule, or regulation of the division or any court of this state;

(g) Any activity prohibited in section 12-7-109 (1);

(h) Default in payment to the court if any bond issued by such ~~bondsman~~ BONDING AGENT is forfeited by order of the court;

(i) Conviction of a felony OR ANY CRIME INVOLVING MORAL TURPITUDE within the last ten years, regardless of whether the conviction resulted from conduct in or conduct related to the bail bond business;

(j) Service of a sentence upon a conviction of a felony or any crime involving moral turpitude in a correctional facility, city or county jail, or community correctional facility or under the supervision of the state board of parole or any probation department within the last ten years;

(k) Revocation of a license as a professional ~~bondsman~~ BONDING AGENT in the immediate past five years in this or any other state;

(l) When in the judgment of the commissioner the licensee has in the conduct of ~~his~~ SUCH LICENSEE'S affairs under the license demonstrated incompetency or untrustworthiness or that ~~he~~ SUCH LICENSEE is no longer in good faith carrying on the bail bond business;

(m) Failure to report, to preserve WITHOUT USE and retain separately, or to return collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral;

(n) Conviction of an unlawful entry into a residence ~~where the principal is not located~~ by any ~~bail bondsman, his agents~~ PROFESSIONAL BONDING AGENT OR SUCH BONDING AGENT'S REPRESENTATIVE or ~~his~~ employees IN VIOLATION OF SECTION 16-3-201, C.R.S.;

(o) Soliciting business in or about any place where prisoners are confined, arraigned, or in custody.

(2) If the division denies, suspends, revokes, or refuses to renew any such license, the aggrieved person shall be given an opportunity for a hearing subject to judicial review as provided in article 4 of title 24, C.R.S.

(3) Except for the reasons listed in paragraphs (i) to (k) of subsection (1) of this section, the commissioner, in lieu of revoking or suspending a license, may in any one proceeding, by order, require the licensee to pay to the commissioner, to be deposited in the general fund of the state, a civil penalty in the sum of no less than three hundred dollars and no more than one thousand dollars for each offense. Upon failure of the licensee to pay the penalty within twenty days after the mailing of the order, postage prepaid, registered and addressed to the last-known place of business of the licensee, the commissioner may revoke the license of the licensee or may suspend the license for such period as ~~he~~ THE COMMISSIONER may determine, unless ~~his~~ THE COMMISSIONER'S order is stayed by an order of a court of competent jurisdiction.

12-7-107. Notice to courts and surety. (1) The division shall furnish to all courts in this state, as specified in section 12-7-101 (4), the names of all professional ~~bondsmen~~ BONDING AGENTS licensed under the provisions of this article; shall forthwith notify such courts of the suspension, revocation, or reinstatement of any ~~bondsman's~~ BONDING AGENT'S license to engage in such business; and shall forthwith notify such courts of any surety company becoming insolvent, subject to an order for relief under the federal ~~bankruptcy code of 1978~~ "BANKRUPTCY REFORM ACT OF 1978", Title 11 of the United States Code, or placed in receivership. No court shall accept bond from a professional ~~bondsman~~ BONDING AGENT unless such ~~bondsman~~ BONDING AGENT is licensed under the provisions of this article and unless such ~~bondsman~~ BONDING AGENT exhibits to such court a valid pocket card or license issued by the division, which license of such ~~bondsman~~ BONDING AGENT has not been suspended or revoked.

(2) Repealed, L. 81, p. 677, § 7, effective May 13, 1981.

(3) The professional ~~bondsman~~ BONDING AGENT shall prepare a list of all collateral taken ~~on his behalf~~ for assurance of compliance with the bond issued and the fee paid therefor. The professional ~~bondsman~~ BONDING AGENT shall provide such list to the surety within ten days of taking the collateral. Failure to provide this written list to the surety or to keep a file of all such lists or to provide the list or a copy thereof to the commissioner on request is a violation of this section and shall be a ground for revocation of the professional ~~bondsman's~~ BONDING AGENT'S license.

12-7-108. Maximum commission or fee. Except for a filing fee, no professional ~~bondsman~~ BONDING AGENT shall charge for ~~his~~ SUCH BONDING AGENT'S premium, commission, or fee an amount more than fifteen percent of the amount of bail furnished by ~~him~~ SUCH BONDING AGENT or twenty dollars, whichever is more.

12-7-109. Prohibited activities - penalties. (1) It is unlawful for any licensee under this article to engage in any of the following activities:

(a) Specify, suggest, or advise the employment of any particular attorney to represent ~~his~~ SUCH LICENSEE'S principal;

(b) Pay a fee or rebate or give or promise to give anything of value to a jailer, ~~policeman~~ POLICE OFFICER, peace officer, clerk, deputy clerk, any other employee of any court, district attorney or any of ~~his~~ SUCH DISTRICT ATTORNEY'S employees, or any person who has power to arrest or to hold any person in custody;

(c) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond or as counsel to represent such ~~bondsman, his agent~~ PROFESSIONAL BONDING AGENT OR SUCH BONDING AGENT'S REPRESENTATIVE or employees;

(d) Pay a fee or rebate or give or promise to give anything of value to the person on whose bond ~~he~~ SUCH LICENSEE is surety;

(d.5) Except for the fee received for the bond, to fail to return any collateral or security within ten working days after receipt of a copy of the court order that results in a release of the bond by the court. A copy of the court order shall be provided to the bonding agent in Colorado or the company, if any, for whom the bonding agent works whether in Colorado or out of state, or both, by the person for whom the bond was written.

(e) Accept anything of value from a person on whose bond ~~he~~ SUCH LICENSEE is surety or from others on behalf of such person except the fee or premium on the bond, but the ~~bondsman~~ PROFESSIONAL BONDING AGENT may accept collateral security or other indemnity if:

(I) No collateral or security in tangible property is taken by pledge or debt instrument which allows retention, sale, or other disposition of such property upon default except in accordance with the provisions of article 9 of title 4, C.R.S.;

(II) No collateral or security interest in real property is taken by deed or any other instrument unless the professional ~~bondsman's~~ BONDING AGENT'S interest in the property is limited to the amount of the bond; ~~and~~

(III) The collateral or security taken by the professional ~~bondsman~~ BONDING AGENT is not pledged directly to any court as security for any appearance bond; AND

(IV) THE PERSON FROM WHOM THE COLLATERAL OR SECURITY IS TAKEN IS ISSUED A RECEIPT DESCRIBING THE CONDITION OF THE COLLATERAL AT THE TIME IT IS TAKEN INTO THE CUSTODY OF THE PROFESSIONAL BONDING AGENT;

(f) Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose bond ~~he~~ SUCH LICENSEE is surety or offers to become surety to induce that person to commit any crime;

(g) Act as a professional ~~bondsman~~ BONDING AGENT in any court of record in this state if ~~he~~ SUCH LICENSEE is in default in securing any person's bond;

(h) Fail to apprise the court of known inaccuracies in any property value schedules of security being pledged directly under the provisions of section 16-4-104, C.R.S., to any court in this state in combination with a bond underwritten by the professional ~~bondsman~~ BONDING AGENT;

(i) Pledge, or knowingly allow to be pledged, without informing the court, any property in any court in securance of appearance during any period where such property is currently pledged for another appearance bond;

(j) Post bond in any amount in the name of a corporate surety without authorization from the corporate surety;

(k) Accept anything of value from a person on whose bond ~~he~~ SUCH LICENSEE is indemnitor or from another on behalf of such principal except the premium; except that the professional ~~bondsman~~ BONDING AGENT may accept collateral security or other indemnity from the person on whose bond ~~he~~ SUCH BONDING AGENT is indemnitor or from another on behalf of such principal. ~~which~~ ALL SUCH COLLATERAL OR OTHER INDEMNITY shall be returned ~~within twenty days of final termination of liability on the bond~~ PURSUANT TO THE REQUIREMENTS CONTAINED IN PARAGRAPH (d.5) OF THIS SUBSECTION (1). The professional ~~bondsman~~ BONDING AGENT shall preserve and separately retain such collateral and shall be responsible for the return of all such collateral taken ~~within twenty days of final termination of liability on the bond~~ and shall be liable for failure thereof as will also be the surety company. When a professional ~~bondsman~~ BONDING AGENT accepts collateral as security pursuant to this paragraph (k), ~~he~~ SUCH BONDING AGENT shall give a written receipt for such collateral to the person on whose bond ~~he~~ SUCH BONDING AGENT is indemnitor or to another on behalf of such principal and the surety, which shall provide in detail a full description of the collateral received. In the event of the failure of or inability for any reason of a professional ~~bondsman~~ BONDING AGENT or ~~his~~ SUCH BONDING AGENT'S heirs or assignees to return collateral as required in this paragraph (k), the commissioner or ~~his~~ THE COMMISSIONER'S designee is authorized to take immediate possession of the collateral and take whatever actions are necessary and appropriate to assure compliance with the obligations of this article relating to the return of collateral. The commissioner is authorized to utilize any or all of the qualification bond required in section 12-7-103 (3) for any costs incurred. Any such payment received by the commissioner is hereby appropriated to the division of insurance in addition to any other funds appropriated for its normal operation.

(l) Sign or countersign blank bail bonds or execute a power of attorney or otherwise authorize anyone to countersign ~~his~~ SUCH LICENSEE'S name to bonds;

(m) For any one licensee to have more than one bond posted at any one time and, in any single case, on behalf of any one person;

(n) FAIL TO ISSUE TO THE PERSON FROM WHOM COLLATERAL OR SECURITY IS TAKEN A RECEIPT WHICH INCLUDES A DESCRIPTION OF THE COLLATERAL OR SECURITY AT THE TIME IT IS TAKEN INTO THE CUSTODY OF THE PROFESSIONAL BONDING AGENT.

(2) Any licensee who violates any provision of subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(3) Any person who acts or attempts to act as a professional ~~bondsman~~ BONDING AGENT and who is not licensed as such under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

12-7-110. Penalty for violation of bond conditions. (Repealed)

Repealed, effective July 1, 1979.

12-7-111. Tax on fees charged. Each professional ~~bondsman~~ BONDING AGENT who furnishes bail in a form other than in the form of the bail bond of an insurer shall pay to the division a tax on the fees charged for bail by such professional ~~bondsman~~ BONDING AGENT. Such tax shall be the same as the tax levied on insurance companies by section 10-3-209 (1), C.R.S., and all applicable provisions of such section shall be applied to such professional ~~bondsman~~ BONDING AGENT in the same manner, amounts, and procedure as they are applied to insurance companies in such section.

12-7-112. Repeal - review of functions. This article is repealed, effective ~~July 1, 1993~~ JULY 1, 1996. Prior to such repeal, the licensing functions of the commissioner and the division shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 2. 2-3-1203 (3) (i), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(i) July 1, 1996:

(VII) THE BAIL BONDING AGENTS' ADVISORY COMMITTEE, APPOINTED PURSUANT TO SECTION 12-7-104.5, C.R.S.

SECTION 3. 24-34-104 (22.1) (b), Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (22.1) The following boards and the functions of the specified agencies shall terminate on July 1, 1993:

(b) ~~The licensing of professional bondsmen through the division of insurance in accordance with article 7 of title 12, C.R.S.;~~

SECTION 4. 24-34-104 (25.1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (25.1) The following functions of the specified agencies shall terminate on July 1, 1996:

(h) THE LICENSING OF PROFESSIONAL BONDING AGENTS THROUGH THE DIVISION OF INSURANCE IN ACCORDANCE WITH ARTICLE 7 OF TITLE 12, C.R.S.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993