

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

Consumer Services

18.06.01 – Rules Pertaining to Bail Agents

Who does this rule apply to?

This rule applies to all bail agents as defined by Section 41-1038, Idaho Code.

What is the purpose of this rule?

The purpose of this rule sets requirements and procedures relating to bail agents and is supplementary to other rules and laws in Title 41, Idaho Code, regulating insurance producers which also apply to bail agents.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Insurance -

The Department of Insurance:

- [Section 41-211, Idaho Code](#) – Rules

Producer Licensing:

- [Section 41-1037, Idaho Code](#) – Requirements For Bail Agents — Findings — Purpose
- [Section 41-1038, Idaho Code](#) – Definitions
- [Section 41-1039, Idaho Code](#) – License Required
- [Section 41-1040, Idaho Code](#) – Bond Required
- [Section 41-1041, Idaho Code](#) – Records
- [Section 41-1042, Idaho Code](#) – Collections And Charges Permitted
- [Section 41-1043, Idaho Code](#) – Collateral
- [Section 41-1044, Idaho Code](#) – Early Surrender of Defendant to Custody – Return of Premium
- [Section 41-1045, Idaho Code](#) – Responsibility for Actions of Others

Who do I contact for more information on this rule?

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18.06.01 – RULES PERTAINING TO BAIL AGENTS

000. LEGAL AUTHORITY.

Sections 41-211 and 41-1037 through 41-1045, Idaho Code.

(7-1-24)

001. SCOPE.

The provisions of this rule apply to all bail agents, as defined by Section 41-1038, Idaho Code. This rule is supplementary to other rules and laws regulating insurance producers, and all other rules of the Department and provisions of Title 41, Idaho Code, applicable to insurance producers apply to bail agents.

(7-1-24)

002. -- 011. (RESERVED).

012. NOTIFICATION REQUIREMENTS.

01. Notice of Changes. A bail agent licensed pursuant to Section 41-1039, Idaho Code, will immediately notify the Department in writing of any the following:

(7-1-24)

a. Change of bail agent's name, current business address, or current business phone number or business e-mail address;

(7-1-24)

b. Change of name or address of any surety insurance company for which the bail agent has an active appointment;

(7-1-24)

c. Cancellation by a surety insurance company of a bail agent's authority to write bonds for that company;

(7-1-24)

d. Any new affiliation with a bail bond agency;

(7-1-24)

e. Cancellation of a bail agent's affiliation with a bail agency;

(7-1-24)

02. Notice of Legal Proceedings or Judgments.

(7-1-24)

a. A bail agent will provide immediate written notice to the Department of the filing of any criminal charges or judgments against the bail agent, and of any material change in circumstances that would require a different answer than previously provided by the bail agent on the background information section of the Uniform Application for Individual Insurance Producer License/Registration.

(7-1-24)

b. For the purpose of determining whether grounds for immediate suspension of a bail agent's license exist under Section 41-1039(4), Idaho Code, a withheld judgment or a plea of nolo contendere is considered the same as a conviction or guilty plea.

(7-1-24)

013. BACKGROUND CHECKS.

All licensed bail agents will be subject to a criminal background check in connection with the renewal of a bail agent's license and will bear all costs associated with the background check.

(7-1-24)

014. STACKING OF BONDS.

A bail agent may submit only one (1) power of attorney with each bail bond submitted to any Idaho court. The face value or face amount of the power of attorney will be equal to or greater than the amount of the bond.

(7-1-24)

015. NOTIFICATION TO SURETY OF FORFEITURE.

A bail agent will notify the surety insurance company of any forfeiture, as defined in Section 19-2905, Idaho Code, within ten (10) days of receiving the notice from the court.

(7-1-24)

016. (RESERVED)

017. BAIL AGENT FINANCING OF BAIL BOND PREMIUMS.

01. Written Agreement. No credit may be extended by any bail agent or surety insurance company for the payment of any bail bond premium without entering into a written agreement. The written agreement for the extension of credit to finance premium need to contain at a minimum the following:

(7-1-24)

a. The name, signatures, and dates of signatures of all parties to the credit agreement;

(7-1-24)

- b.** The amount of premium financed; (7-1-24)
- c.** The per annum rate of interest; and (7-1-24)
- d.** The scheduled premium payment dates. (7-1-24)

02. Interest. A bail agent or surety insurance company that extends credit for premium payments at zero percent (0%) interest for more than ninety (90) days is in violation of Section 41-1314(4), Idaho Code. (7-1-24)

03. Collateral for Credit Agreement. In any collateralized credit agreement the collateral will be separate and apart from any collateral used in the bail bond transaction, will be described in the credit agreement or in an attachment to the agreement, and will be handled in accordance with Section 41-1043, Idaho Code. (7-1-24)

018. PAYMENT OF FORFEITURE.

Failure to pay a claim for forfeiture by a surety is a violation of Section 41-1329(6), Idaho Code Liability for payment upon forfeiture is considered reasonably clear when payment is due pursuant to Section 19-2918, Idaho Code. (7-1-24)

019. -- 999. (RESERVED)