



Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20-250
Regulation title	Regulations Relating to Property & Surety Bail Bondsmen
Action title	Property & Surety Bail Bondsmen Regulations (New)
Date this document prepared	June 5, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the Board; procedures for conducting investigations; issuing disciplinary action; and revoking, suspending, refusing to renew a licensure, and provide an appeal process pursuant to the administrative process act.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Criminal Justice Services Board adopted the proposed Regulations Relating to Property and Surety Bail Bondsmen with the amendments as noted in the final stage on May 9, 2007.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority to regulate property and surety bail bondsmen is found in § 9.1-102 (47) of the Virginia Code, effective July 1, 2005, authorizes the Department, under the direction of the Board to “license and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq) of this chapter”. The Board shall adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail bonding within the Commonwealth pursuant to §9.1-185.2. The Office of the Attorney General has certified that the department has the statutory authority to adopt regulations pursuant to the Code of Virginia § 2.2-4011(A)(ii).

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

To promulgate the regulations for property and surety bail bondsmen. The regulation establishes a licensure process to include a fingerprint based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the Board, to conduct investigations, to issue disciplinary action, and to revoke, to suspend, and to refuse to renew a license. These procedures are established ensure respectable, responsible, safe and effective bail bonding in the Commonwealth.

A public hearing was held during the promulgation process, participation from individuals was strongly encouraged.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the Board; procedures for conducting investigations; issuing disciplinary action; and revoking, suspending, refusing to renew a licensure, and provide an appeal process pursuant to the administrative process act.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.
- If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of incorporating the changes presented in the final stage is to continue to provide necessary public protection tasked through existing statutes. The main purposes of the amendments are to first and foremost provide a clearer set of regulations to use and understand, thereby facilitating compliance.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
20-250-10	Definitions	Delete definition of “Agent bail bondsman” and replace with: <u>“Agent” means a person who is a licensed bail bondsman who has been given power of attorney to act on the behalf of a licensed property bail bondsman.</u>	Based on statutory amendments of 9.1-185 effective July 1, 2007 and to clarify certain definitions
	Delete definition of Agent bail bondsmen, insert new definition of agent, delete definition of Certified Training School and insert under Private Security Services Training School, amend definition of Property bail bondsman and delete definition of Principal bail bondsman.“	Delete definition of “Certified Training School”	Reinserted definition under Private Security Services Training School
		Amend definition of “Property bail bondsman” to read: “Property bail bondsman” means a person pursuant to this article who, for compensation, enters into a bond or bonds for others, whether as a principal or surety, or otherwise does so through his agent and who pledges real property, cash or certificates of deposit issued by a federally insured institution, or any combination thereof as security for a bond as defined in § <u>19.2-119</u> that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.	Based on statutory amendment of 9.1-185 effective July 1, 2007.

		Delete definition of “Principal bail bondsman”	Based on statutory amendment this definition is not required.
<u>20-250-10</u>	Definitions Insert definitions	<p>Add the following definitions:</p> <p><u>“License number” means the official number issued to a bail bondsman licensed by the department.</u></p> <p><u>“Manual Processing Fee” means a fee charged for applications not submitted to the Department utilizing available on-line application processing procedures.</u></p> <p><u>“Private Security Services Training School” means a training school which is certified or licensed by the Department pursuant to § 9.1.139 for the specific purpose of training regulated personnel in at least 1 category of the compulsory minimum training standards.</u></p>	<p>The license number definition was added for clarification as well as the Private Security Services Training School.</p> <p>The manual processing fee was added based on the Section moving to a web-based licensing system.</p>
<u>20-250-20 A</u>	Schedule of Fees Amend paragraph	Amend paragraph to read: Schedule of fees. The <u>nonrefundable application processing</u> fees listed below reflect the costs <u>that are sufficient to cover all expenses for administration and operation of the program. These fees include the costs</u> of handling, issuance, and production associated with administering and processing applications for licensing and other administrative requests for services relating to bail bonding services.	Amend the paragraph for clarification of the purpose of the fee structure.
	Property (agent) Property (principal)	Delete the word “Property” and remove the () from Agent and delete (Principal) after the word “Property”	Based on new statutory definitions effective July 1, 2007.
	Amend fee structure	<p>Delete fee of \$60.00 for Fingerprint card processing and replace with \$50.00</p> <p>Delete fee of \$50.00 for In-Service Alternate Training Credit and replace with \$25.00.</p>	Based on consistency with other regulatory programs with the Section.
	Insert new fee	Insert <u>Manual Processing Fee - \$ 20.00</u>	This is based on the implementation of a web-based licensing system.
<u>20-250-40 C</u>	Initial Bail Bondsman License	Amend paragraph: A property bail bondsman license will not be issued if the true market value of the equity in his collateral of real estate, cash	This was added for clarification of collateral

	Application	or certificates of deposit issued by a federally insured institution, or any combination thereof does not meet or exceed \$200,000 <u>on his bonds or the bonds of each of his agents.</u>	requirements for licensure of a bondsman and his agents.
<u>20-250-40 C 2</u>	Initial Bail Bondsman License Application	Amend paragraph: If the property used as collateral consists of cash or certificates of deposit, the property bail bondsman applicant shall submit to the Department verification of the amounts, and the names of the financial institution in which they are held. <u>At its discretion, the Department may require additional documentation to verify these amounts.</u>	The Department needed to add a provision should additional verification of collateral be needed.
<u>20-250-40 C 5</u>		Amend to read: Each principal property bail bondsman applicant shall submit signed documentation authorizing special power of attorney, <u>from an individual or appropriate resolutions or other authorizing documentation from a business entity</u> , for the purpose of bonding on any collateral provided for licensure that is not legally in the sole ownership of the principal property bail bondsman.	The word principal is not required based on the amendment to the definition of property bail bondsman. In addition, clarification was needed for special power of attorney requirements.
20-250-C6		Amend to read: Each agent property bail bondsman applicant shall submit signed documentation authorizing special power of attorney <u>from an individual or appropriate resolutions or other authorizing documentation from a business entity</u> , for the purpose of bonding on any collateral provided for licensure by the principal <u>property</u> bail bondsman	The amendment was made to include all categories of bail bondsmen (both surety and property).
<u>20-250-50 A</u>	Fingerprint Processing	Amend A to read: Each person applying for <u>initial or renewal</u> licensure as a bail bondsman shall submit to the Department:	Added for clarification.
<u>20-250-110 B</u>	License Termination Insert new paragraph and reformat B. and C.	Insert paragraph: <u>Any property bail bondsman license or agent bail bondsman license issued pursuant to this article shall terminate immediately if the collateral requirements are not maintained and may not be applied for again until the person has met the collateral requirements pursuant to 6 VAC 250-40.</u>	This was added to include property bail bondsmen with issues of license termination consistent with surety bail bondsmen.
<u>20-250-110 C</u>		Reformat B. to C. and delete the word “surety”	For clarification to include both categories of bondsmen, surety, property and agent

<p><u>20-250-130</u> E- III A5</p>	<p>Entry Level Training</p>	<p>Delete “12” and insert “24”</p>	<p>Based on statutory change.</p>
<p><u>20-250-230 B</u></p>	<p>Reporting Requirements</p>	<p>Insert sentence: <u>Each licensed bail bondsman arrested for a felony shall submit a copy of the warrant of arrest within 7 days to the Department.</u></p>	<p>In order to keep the Department aware of any possible standards of conduct or issues which are affecting public safety.</p>
<p>20-250-230 B- I</p>		<p>Reformat to read B through J.</p>	<p>Reformatting</p>
<p>20-250-230 C</p>		<p>Amend to read: Each licensed bail bondsman arrested or convicted of a felony shall report within 30 calendar days to the Department the facts and circumstances regarding the arrest or criminal conviction.</p>	<p>The agency is notified by a copy of warrant of arrest and only needs to be further notified if there is a conviction.</p>
<p><u>20-250-230 G</u></p>		<p>Delete the word “principal”</p>	<p>The word principal is no longer required based on statutory amendment to definition of property bail bondsmen effective July 1, 2007.</p>
<p><u>20-250-230 H</u></p>		<p>Amend Paragraph: Each licensed agent bail bondsman shall report to the Department any change in <u>termination of</u> his employment <u>with a licensed property bail bondsman</u> within seven days of such change <u>termination</u>.</p>	<p>For clarification.</p>
<p><u>20-250-230 I</u></p>		<p>Amend to read: Each licensed principal property bail bondsman shall report to the Department within five business days <u>any change in legal ownership or</u> if any new lien, encumbrance, or deed of trust is placed on any real estate that is being used as collateral on his or his agents’ bonds as well as the amount it is securing. The reporting requirement deadline is deemed to begin as soon as the licensed property bail bondsman learns <u>of any change in legal ownership or</u> of the new lien, encumbrance, or deed of trust, or should have reasonably known <u>of the change in legal ownership</u> or that such lien, encumbrance or deed of trust had been recorded.</p>	<p>The word principal is no longer required based on statutory amendment to definition of property bail bondsmen effective July 1, 2007.</p>

<u>20-250-250 C</u>	Professional Conduct Standards; Grounds for Disciplinary Actions	Amend: A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain the his name, license number and contact information.	For clarification
<u>20-250-250 F</u>	Professional Conduct Standards; Grounds for Disciplinary Actions	Amend paragraph: A property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of four times the true market value of the equity in his real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof.	Based on statutory amendment to 9.1-185.8 effective July 1, 2007.
<u>20-250-250 L</u>		Insert: <u>A licensed bail bondsman shall not violate any provisions specified in protective orders served on a potential bailee pursuant to 16.1-253.1</u>	This insertion is based on concerns presented by a Magistrate in which protective orders were being violated.
<u>20-250-260 B4-5</u>	Solicitation of Business; Standard; Restrictions and Requirements	Delete the sentence: Communicate with any inmate without first notifying the sheriff of jailor of their intent to communicate with such inmate. Renumber number 5 to number 4.	Removed this provision due to it being over-restrictive, in addition this would be a responsibility of the sheriff or jailor to ensure compliance and the issue is already covered under solicitation ob business .
<u>20-250-290 A1</u>	Uniforms and Identification; Standards and Restrictions	Amend paragraph to read: A bail bondsman is required to visibly display on his outermost clothing, the photo identification license issued by the Department at all times while on legitimate bail bonding business on government property.	This provision was overly restrictive.
<u>20-250-290 A2</u>	Uniforms and Identification; Standards and Restrictions	Amend paragraph to read: A bail bondsman may display only an insignia or emblem that identifies his name and name of his company on the front of his shirt or jacket outermost wear while on government property as long as the insignia or emblem is no larger then 3 x 5 inches in its entirety.	This provision was overly restrictive.
<u>20-250-360 B</u>	Formal Hearing	Delete the words “registration” and “certification”.	This terminology was inadvertently included in the

			proposed regulations and is not a credential issued to bail bondsmen
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Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Committer	Comment	Agency response
<u>General Comment</u> Chris Rollins	Make everyone equal - I say make it mandatory to charge 10% by all bondsmen and have a statewide fee schedule. This will eliminate the cut throat tactics that go on now. In the regulations it states that one purpose for this new legislation is to protect the public and if every company charged the same fees and premium the public would have no doubt in what was fair and what was not. I would also recommend that premiums be paid in full at the time of the bond, eliminating credit. No credit means people only go back to jail for the right reasons.	Establishing price setting or business practice requirements in reference to offering credit in the regulations is overly restrictive of bail bonding practices. The 10% mandatory charge is based on regulations of surety agents under the authority of the Bureau of Insurance.
<u>General Comment</u> Edward G. Gallagher, SFAA	The proposed licensing standards and continuing education requirements generally will help achieve the department's goals, and SFAA supports them.	The Department concurs with this comment.
<u>General Comment</u> Maureen Brown Magistrate 14 th Judicial District	I feel we need to regulate the bondspersons even more now. I feel that we need to not be generalized in the bonding regulations. Magistrates simply do not have the time to continuously enforce the rules and police the bondsmen. We need a statewide clear set of non-negotiable regulations and rules that the bondspersons must follow; with sanctions for those who choose not to follow them.	The Department concurs with this comment.
<u>General Comment</u> Jim Dusky	My input is that they accomplish little, are still unclear in areas, and contradict themselves in areas.	The Department does not concur with this comment.
<u>General Comment</u> Maureen Brown Magistrate 14 th Judicial District	I would like to all bonding business to be conducted somewhere other than in the Magistrate's office or lobby.	Does not fall under our statutory authority. The regulations do address solicitation and loitering.
<u>General Comment</u> Maureen Brown Magistrate	I am suggesting that we regulate the procedure for bonding. Following this recommendation would take the business of	Would require additional statutory authority. The

14 th Judicial District	bonding out of our lobby and would lessen the impact on the magistrates.	regulations do address solicitation and loitering.
<u>General Comment</u> Maureen Brown Magistrate 14 th Judicial District	I would also cut out having co-signers, their families, children and friends in our lobby for extended periods of time.	Does not fall under our statutory authority.
6 VAC 20-250-10	Definitions	
<u>6 VAC 20-250-10</u> Stephen L. Grobel	Definition of "surety bail bondsman". Last part of definition needs to be reworked. The bondsman's responsibility is for appearance only, in other words to see that the defendant "answers to the charge." The bondsman is not a guarantor of other terms and conditions of the recognizance. Only appearance. Same for surety and property. Authority is found in Virginia statute and case law.	Surety bail bondsman is defined pursuant to §9.1-185 of the Code of Virginia. Any change would require a statutory amendment.
<u>6 VAC 20-250-10</u> Stephen L. Grobel	Stricter financial accounting guidelines should be implemented. A good number of the bondsmen in practice now have such poor credit and so many creditors after them that they do not maintain bank accounts. Funds are commingled and misappropriated. Along with stricter financial accounting requirements, tax compliance should be monitored.	The department has and will utilize the authority under §9.1-185.5.
<u>6 VAC 20-250-10</u> Stephen L. Grobel	More resources (money and manpower) should be allocated to enforcement. An advisory group comprised of members of the state bondsmen organizations should be available for consultation.	The Department concurs and will allocate as resources permit. The Department continues to establish working partnerships with any organizations or associations in the industry.
6 VAC 20-250-20	FEES	
<u>6 VAC 20-250-20</u> David Payne, PBVA	We feel that agent fees should be considerable lower than that of Actual Property Bondsmen and Insurance Bondsmen. An increase to the actual property bondman's fee may have legitimacy, however, the time and attention that is required by DCJS for an Agent compared to Property Bondsmen is much less therefore creating a basis for a significant reductions in fees.	The fee schedule that is established reflects the costs that are sufficient to cover all expenses for administration and operation of the program. While there is a distinction in the application processing and reporting, there are costs associated with the on-going management of this program that are universal to all categories of bondsmen.
<u>6 VAC 20-250-20</u> Wayne Renfro, VBA	If you hold a surety license as well as a property license, do you have to pay \$100 dollars for surety plus an additional \$250 for	Yes. The bail bondsman license application fee is \$900.00. There is an

	Property (principal)?	additional fee for each category of bonding you will provide.
6 VAC 20-250-30	BAIL BONDSMAN ELIGIBILITY	
<u>6 VAC 20-250-30</u> Stephen L. Grobel	People aspiring to be bondsmen need to complete an internship, minimum 6 months. Surety insurance companies are turning new bondsmen loose on their own with no idea what they are to do and what their responsibilities and obligations are. For many of them it is nothing more than a "smash and grab", that is, grab any little piece of money without regard to risk or underwriting standards. When their forfeitures start to hit they are completely lost. They don't know the reliable recovery agents. And oftentimes they don't care. They're only there for the short term. They do great damage to a fundamentally good system.	The Department takes the position that an internship is overly restrictive and could cause a significant reduction in the amount of licensed surety bail bondsmen. The regulations require 40 hours of training and ongoing continuing education, as well as adherence to specific standards of conduct. In addition, a surety bail bondsman will be required to ensure forfeitures are paid or face possible sanctions.
<u>6 VAC 20-250-30 A 3</u> Joe Scott Wayne Renfro, VBA	No GED or High School diploma...this should be grandfathered in just as the certification for the property bondsmen is on page 5 - 6VAC 20-250-40, C-3 We are concerned that the bail bondsman that have been in the field for 10 years should be "grandfathered" when it comes to having a GED or a high school diploma.	This requirement is pursuant to §9.1-185.4 of the Code of Virginia and would require a statutory amendment to provide for a grandfather clause.
<u>6 VAC 20-250-30 C 2</u> Jim Dusky	You still haven't defined employee. Problem? If I'm an aux police officer or deputy, can I be a bondsman? I'm not an employee of a police dept. Right?	Under §15.2-1731 of the Code of Virginia, auxiliary police officers are considered employed.
6 VAC 20-250-40	INITIAL BAIL BONDSMAN LICENSE APPLICATION	
<u>6 VAC 20-250-40 C</u> Edward G. Gallagher SFAA	For a property bondsman and a surety bondsman to compete on a level playing field, the collateral provided by the property bondsman must be more than a claim that, at the time of application, the property bondsman owned an asset. There must be assurance that the asset cannot be sold or encumbered or otherwise put beyond the department's ability to liquidate in the event of a default.	The Department concurs and has the discretion under §9.1-185.5 to require a deed of trust be placed on real estate. In addition the Department is recommending that if cash or CDs are utilized as collateral, the Department may require additional documents to ensure availability of the

		funds.
<p><u>6 VAC 20-250-40 C 2</u> Edward G. Gallagher SFAA</p>	<p>This is inconsistent with the definition of “property bondsman” in proposed §20-250-10, which provides that a property bail bondsman “pledges” the cash or certificates of deposit as security for his or her obligations. To be “collateral,” or to “pledge” the assets as security, the applicant must give the Commonwealth control over the cash or certificates of deposit so that they cannot be used for other obligations and are readily available to pay any defaults. SFAA suggests that the department exercise its “full regulatory authority” and revise §20-250-40(C)(2) to require that the applicant deposit the cash or original certificates of deposit with the Commonwealth or provide a binding commitment from the FDIC insured institution that the cash or certificates of deposit are set aside, will not be released without the Commonwealth’s prior approval, and will be surrendered to the Commonwealth upon its request.</p>	<p>The Department is recommending that if cash or CDs are utilized as collateral, the Department may require additional documents to ensure availability of the funds.</p>
<p><u>6 VAC 20-250-40 C 4</u> Edward G. Gallagher SFAA</p>	<p>Repeats the language of the statute. SFAA suggests that without a deed of trust the real property is subject to alienation and encumbrance and is not “collateral” for the bonds. In the Regulation, the department should exercise its authority to direct that deeds of trust be provided in all cases. If an applicant relies on real property, he or she should have to provide a deed of trust and a title report showing that the property bondsman owns the property and the deed of trust is a first lien. There is no point in looking to real estate as collateral if there is no way to be sure the real estate will be available to pay the bond obligations and anything less than clear ownership and a first trust is subject a contest or to being cut off by foreclosure of a prior lien.</p>	<p>The Department concurs with this comment.</p>
<p><u>6 VAC 20-250-40 C 4</u> Joe Scott</p>	<p>Naming a specific Commonwealth Attorney could lead to problems releasing deeds of trust if and when that specific person retired/passed away. Why not name the trustee by title instead of by name.</p>	<p>This provision is pursuant to §9. 1-185.5 C 4 and would require a legislative change to amend.</p>
<p>6 VAC 20-250-50</p>	<p>FINGERPRINT PROCESSING</p>	
<p><u>6 VAC 20-250-50</u> Wayne Renfro, VBA</p>	<p>There is confusion about whether new fingerprint cards have to be submitted each time you apply for a renewal license, it needs to be clarified</p>	<p>Fingerprints are required in order to renew a license pursuant to §9.1-185.6 of the Code of Virginia. The Department has recommended an</p>

		amendment in the regulation for clarification.
6 VAC 20-250-100	LICENSE RENEWAL APPLICATION	
6 VAC 20-250-100 Wayne Renfro, VBA	A properly completed renewal application is supposed to be submitted, but no one has seen the renewal applications	Renewal applications are provided to licensees 90 days prior to expiration.
6 VAC 20-250-100 Wayne Renfro, VBA Joe Scott	<p>Do we need fingerprint cards for our renewal application? We feel that fingerprint cards are not necessary each time a bondsman's license is renewed since fingerprints do not change.</p> <p>I thought that the Captain from the State Police told us at the conference that now that our prints were on file we would not need to submit them for "renewal" of our license.</p>	<p>This requirement is pursuant to §9.1-185.6 C of the Code of Virginia. In accordance with federal requirements, fingerprint cards are destroyed once utilized for a 'point in time' criminal history records search.</p> <p>The Department is researching a fingerprint archival system with the Virginia State Police and FBI. If other electronic means become available this is covered under 6 VAC 20-250-50 A 1: "one completed fingerprint card provided by the Department or <i>another electronic method approved by the Department.</i>"</p>
6VAC 20-250-100 David Payne PBVA	We are opposed the any blanket in-service training requirement. We agree that firearms training is a skill that must be kept up, but blanket in service training of established bondsmen is unnecessary. Due to already high fees required to get initially licensed and to continue licensure not to mention that already existing continuing education requirements for the P&C license, this created an unnecessary time and financial burden on bondsmen. This industry is not technical or rapidly changing. Except for the last few years there were less than 5 significant code changes in over 40 years. These or any future changes can easily be summarized in a mailing or email directly from the Department or by the association. With appropriate supervision of new bondsmen, exiting bondsmen will ensure proper on the job	The regulations require 8 hours of in-service, which includes 2 hours of legal authority and 6 hours of job-related training. This training is designed to incorporate both professional development of skills as well as an update on the statutes and regulations that apply to bail bonding. A committee of industry representatives was established when developing the in-service requirements. The training is

	training.	specifically designed for professional development allowing discretion of specific topic areas. It is the responsibility of the Department to ensure proper training and not exiting bondsmen.
6 VAC 20-250-100 B 2 Jim Dusky	Fingerprints (pg 6 A) Each person applying...shall submit prints (not renewing). Yet, pg 7 reads that when renewing we need to submit prints. Should pg 6 read "applying or renewing"?	The Department has amended 6 VAC 20-250-50 A (Fingerprint Processing) for clarification.
6 VAC 20-250-110	LICENSE TERMINATION	
6 VAC 20-250-110 Edward Gallagher SFAA.	SFAA's second area of concern is the disparate treatment of surety and property bondsmen in the license revocation provisions. "License Termination" refers only to surety bail bondsmen. Section 20-250-250 authorizes suspension or revocation of either type of license for violations of any of the listed standards. Under paragraph (A), however, if a surety bondsman's license as an insurance agent is suspended (not revoked) by the State Corporation Commission, the surety bondsman's license from the department is automatically suspended "pending the results of an investigation." There should be a similar provision allowing the department to suspend the license of a property bondsman pending investigation if the department determines that it has reason to believe a violation has occurred.	A provision is being recommended for adoption under 6 VAC 20-250-100 to include the circumstances for the termination of a property bail bondsman license if all licensing requirements are not maintained. In addition, any bondsman license may be subject to a summary suspension pursuant to 6 VAC 20-250-220 C.
6 VAC 20-250-110 A Edward G. Gallagher SFAA	SFAA supports the department's ability to protect the public and the Commonwealth by revoking the license of anyone found to be in violation of statutory or regulatory requirements and by suspending the license of anyone pending investigation and a hearing if the department concludes that a violation has occurred. Our point is that the department's authority to act immediately should apply equally to both types of bondsmen.	6 VAC 20-250-110 A references a surety bail bondsman license terminating with the Department if licensing requirements are not maintained (i.e. P&C license). 6 VAC 20-250-320 C provides for summary suspension of any license in the event that continued operation would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in

		imminent harm, personal injury or loss.
6 VAC 20-250-130	ENTRY LEVEL TRAINING	
<u>6 VAC 20-250-130</u> David Payne, PBVA	<p>This section increases the Bail Bondsman Core Training to 40-hours. We are opposed to this increase in class time. Increase in core training subjects may be acceptable and may even improve the 25-hour class because the current curriculum can be well covered in a 12-hour class. Increasing the class to 40-hours would only lead to increased fees and filler instruction.</p> <p>Consideration should be given to an apprenticeship program as a part of the core requirements. This would require new individuals entering the bonding industry to be sponsored and supervised by existing licensed bondsmen for two years.</p>	<p>Since overtaking regulation of the bail bondsmen program bondsmen are reporting to the department that they are effecting their own recovery of fugitives. As the role of fugitive recovery is unique and distinct from the role of a bail bondsmen additional training is necessary to ensure the integrity of the program as well as to ensure public safety. In addition, this training will provide bail bondsmen not performing fugitive recovery with the knowledge, skills and abilities needed to oversee and manage a recovery being performed on their behalf.</p> <p>The Department takes the position that an apprenticeship program is overly restrictive and could cause a significant reduction in the amount of licensed surety bail bondsmen. The regulations require 40 hours of training and ongoing continuing education, as well as adherence to specific standards of conduct. In addition, a property bail bondsman is required to ensure forfeitures are paid or face possible sanctions and the Department is proposing the same standard for surety bail bondsmen.</p>

<p><u>6 VAC 20-250-130 A 5</u> Wayne Renfro, VBA Joe Scott</p>	<p>Under the heading titled Legal Procedures, number 5 should be changed from 12 months to 24 months. (19.2-123 S.C.</p>	<p>The Department concurs and will recommend this amendment.</p>
<p>6 VAC 20-250-140</p>	<p>IN-SERVICE TRAINING</p>	
<p><u>6 VAC 20-250-140</u> Jim Dusky</p>	<p>In-service is allowed within the last 12 months, yet in-service is not offered.</p>	<p>A directory of authorized schools is maintained on the agency website.</p>
<p><u>6 VAC 20-250-140</u> Wayne Renfro, VBA</p>	<p>We need a better description of what in-service training will be allowed, what schools will teach them, and the curriculum that will be taught</p>	<p>The regulations require 8 hours of in-service, which includes 2 hours of legal authority and 6 hours of job-related training. This training is designed to incorporate both professional development of skills as well as an update on the statutes and regulations that apply to bail bonding. A directory of authorized schools is maintained on the agency website. A committee of industry representatives was established when developing the in-service requirements.</p>
<p>6 VAC 20-250-150</p>	<p>IN-SERVICE ALTERNATIVE TRAINING CREDIT</p>	
<p><u>6 VAC 20-250-150</u> Joe Scott</p>	<p>Since our attendance at the conference served as our eight hours "in service" training, how do we document that on our renewal application?</p>	<p>A form was provided to conference attendees. Please follow the procedures outlined in 6 VAC 20-250-150 (In Service Alternative Training Credit.)</p>
<p>6 VAC 20-250-170</p>	<p>GENERAL FIREARMS TRAINING REQUIREMENT</p>	
<p><u>6 VAC 20-250-170</u> Chris Rollins</p>	<p>Include concealed carry as part of the present training and included in the endorsement card. Charge an extra \$50 for the concealed endorsement. My reasoning behind this is two fold; carrying a weapon in the course of your duties you may not want your identity revealed and second, presently cities have control over this process.</p>	<p>This recommendation is not within the Department's statutory authority.</p>
<p>6 VAC 20-250-220</p>	<p>RECORD KEEPING STANDARDS</p>	
<p><u>6 VAC 20-250-220 A 2</u></p>	<p>Under section A2, we would like to have this</p>	<p>This provision is</p>

<p>Wayne Renfro, VBA Jim Dusky Joe Scott</p>	<p>entire section removed as it serves no purpose in our industry.</p> <p>Copies to be kept..."causing a def. to be released on his own recognizance". What could you possibly be referring to...And why/how could I do that?</p> <p>....or causing a defendant to be released on his own recognizance. I can not visualize how a bondsman can bring that to happen</p>	<p>pursuant to §9.1-185.13. Any changes would require a statutory amendment.</p>
<p>6 VAC 20-250-230 REPORTING REQUIREMENTS</p>		
<p>6 VAC 20-250-230 G Wayne Renfro, VBA Jim Dusky</p>	<p>Under section G, there is some confusion as to what a change of employment represents, this needs to be explained in more detail.</p> <p>"any change in his employment" like if my company suspends me, promotes me, demotes me, has me take on more duties? Did you mean to write "change companies"? Ambiguous, and partly duplicated by "I"</p>	<p>This provision is pursuant to §9.1-185.14 of the Code of Virginia. A change in employment is date of hire and/or termination and the Department will address this under the FAQ's on the agency website.</p>
<p>6 VAC 20-250-250 PROFESSIONAL CONDUCT STANDARDS</p>		
<p>6 VAC 20-250-250 Walter A. Liffick Magistrate 2nd District</p>	<p>Many Protective Orders are issued as a result of Domestic Violence and may restrict third party contacts to the victim that are made on behalf of the respondent/defendant/abuser. Some bondsman call the victim to "consider" co-signing on a surety bonds on behalf of the alleged abuser. The problem comes from if the bondman's knew of the protective order or didn't know of the protective; the phone call to the victim would or could generate a violation of the protective order based on that third party contact on behalf of the defendant/abuser. The defendant/abuser would be back in jail with or without bail/bond. Add a para to dealing with this specific Domestic Violence/Protective Order situation and forbid bondsman to call/patronize victims of domestic violence with protective orders.</p>	<p>The Department concurs and has made a recommendation to add the following standard of conduct to the regulations: A bail bondsman shall not violate any provisions specified in protective orders served on a potential bailee pursuant to §16.1-253.1.</p>
<p>6 VAC 20-250-250 B 1 Jim Dusky</p>	<p>Misrepresentation. If I dress up as a pizza delivery person to arrest a fugitive, am I misrepresenting myself? If I lie to arrest a fugitive, did I violate this reg?</p>	<p>This is specified in §9.1-185.8 B 1. Violations are determined based on the circumstances presented during the course of a compliance/enforcement investigation.</p>
<p>6 VAC 20-250-250-B 10 Jim Dusky</p>	<p>What the heck does that mean? (Provide bail if also an attorney representing that person)</p>	<p>This provision is pursuant to §9.1-185.8 of the Code of Virginia.</p>

<p><u>6 VAC 20-250-250 B 11</u> Wayne Renfro, VBA</p> <p>Jim Dusky</p>	<p>There is still some confusion as to what initially is involved in the arrest of a person? A person that is bail pieced can still be bonded out by the same bondsman</p> <p>Still vague and interpreted differently by different magistrates and bondsmen. Does it mean that if I am a victim, I can't bond the person? or does it mean that if I bond him, revoke the bond and arrest him, that I can't re-bond him. Clarify.</p>	<p>As long as the bondsman was not involved in the original arrest of the person in which an original bond was set he has the ability to re-bond. The Department will add this to the FAQ's on our website. In addition, a memorandum has already been disseminated to all magistrates throughout the Commonwealth.</p>
<p><u>6 VAC 20-250-250 C</u> Wayne Renfro, VBA</p> <p>Jim Dusky</p>	<p>....each licensed bail bondsman shall put his DCJS number and contact information</p> <p>Why add this now? Everyone knows it is on the website. Is this referring to the DCJS lic # or drivers lic?</p>	<p>The Department concurs with this comment and will recommend insertion of the definition of license number under 6 VAC 20-250-10. (Definitions)</p>
<p><u>6 VAC 20-250-250 G/H</u> Jim Dusky</p>	<p>Why is this duplicated? "A licensed Bail bondsman..." should suffice, then eliminate one of them. Is this just to make the regulations longer?</p>	<p>The Department added the additional provision based on the definition of an agent to separate property from surety.</p>
<p><u>6 VAC 20-250-250 H</u> Carl Armstrong</p>	<p>A Bondsman posting a bond as an agent for a surety (insurance company), posts the bond with power of attorney from the insurance company, and signs the recognizance as attorney in fact. He/she is never personally responsible for the forfeiture, the insurance company is the surety, and liable for payment of all forfeitures.. An unpaid forfeiture is the same as any unpaid claim on an insurance company, and should be turned over to the Bureau of Insurance. The Bureau of Insurance has procedures for settling unpaid claims.</p>	<p>Unpaid forfeitures are turned over to the Bureau of Insurance; the Department is proposing regulations that will allow the Department to suspend or revoke a surety bail bondsman license until outstanding forfeitures are satisfied on bonds that the surety bondsman signed for as attorney in fact.</p>
<p><u>6 VAC 20-250-250 K</u> Wayne Renfro, VBA</p>	<p>This section should be totally removed as it serves no purpose. <i>(A licensed bail bondsman shall disclose in writing to the indemnitor if the bail bondsman has the knowledge that the bailee is being held in multiple jurisdictions.</i></p>	<p>This provides the indemnitor with the knowledge that the bailee may not be released upon the execution of a single bond and allows them to make an informed decision.</p>
<p>6 VAC 20-250-260</p>	<p>SOLICITATION OF BUSINESS</p>	
<p><u>6 VAC 20-250-260</u> Maureen Brown Magistrate</p>	<p>I feel we need this part of the regulations the most</p>	<p>The Department concurs with this comment.</p>

14 th Judicial District		
<u>6 VAC 20-250-260 B</u> Karen L. Manus Magistrate 15 th Judicial District	I very much appreciate the addition of the language concerning code of conduct that prohibits a bail bondsman from loitering around a Magistrate's office.	The Department concurs with this comment.
<u>6 VAC 20-250-260 B 3</u> Jim Dusky	Loiter... unless there on legitimate business. What is legitimate? If I go to the jail and wait for a customer is that illegitimate business. This is very vague and is a continual conversation among bondsman as to what is legitimate. Apparently, it's whatever DCJS thinks it is at the time.	This is specified in §9.1-185.9. Violations are determined based on the circumstances presented during the course of a compliance/enforcement investigation. To define legitimate business would deviate from the intent of the code and provide loopholes in the regulations for abuse.
<u>6 VAC 20-250-260 B 4</u> Wayne Renfro, VBA Jim Dusky Joe Scott	Remove or clarify because it is very vague. (Notify of intent to communicate with an inmate) I have to let the sheriff know before I can talk to an inmate on the phone when he calls me? Well, that's what you wrote. This poses a problem in that we get numerous calls daily from the lockup and from within the jail itself from inmates on telephones furnished by the Sheriff. Can we assume that because the telephones are furnished by the jail that "notification" is acknowledged?	The purpose of this provision was to prevent bondsman from soliciting business from inmates while meeting with another inmate/client. The provision has been removed as it is adequately covered under 6 VAC 20-250-260 B 1.
6 VAC 20-250-270	RECOVERY OF BAILEES	
<u>6 VAC 20-250-270 C</u> Chris Rollins	Contact of local law enforcement in apprehension of a fugitive - This reg needs some review. Plain and simple that we do not usually know where a fugitive is 24 hours in advance, it is more like an hour or less. Most localities have no idea who or what a bail bondsman does. I recommend that we call but the regulations should read "once you have located the fugitive contact law enforcement within 30 minutes, if possible".	This provision is pursuant to §9.1 - 185.15 and any amendment would require a legislative change.
<u>6 VAC 20-250-270 F</u> Joe Scott Jim Dusky	I have a form in the process of being developed that I will fax to you when completed that may serve "several functions" including this one. Are you actually going to prescribe the form?	The Department is able to review your form once received. This is a proposed regulation; if adopted by the Board, the form would then be prescribed and posted

		on the Agency website.
<u>6 VAC 20-250-270 B</u> Jim Dusky	Verbally notifying occupants before entering. How can we possibly know if we have verbally notified all occupants before entering? So, Mom calls us to arrest her son who is on bond and at home in his room. We have to notify him (b/c he's an occupant) then let him try to attempt to run out the window? I think I know what you want, but your reg doesn't read that way. Very poorly written.	This provision in the regulations is taken directly from §9.1-185.15
<u>6 VAC 20-250-270</u> Maureen Brown Magistrate 14 th Judicial District	When a person is brought in on a bail piece, that bail piece should include the reason that the bondsperson is returning the defendant to jail; such as: missed court, failed to pay, failed to abide by conditions of bond, etc. This would be a great help when we are setting the bond on the bail pieces.	The proposed regulations require that a bondsman maintain information on the recovery of a bailee on a form prescribed by the Department. This form may be requested by the agency accepting the bailee along with the bail piece.
6 VAC 20-250-280	COLLATERAL RECEIVED	
<u>6 VAC 20-250-280)</u> Joe Scott Jim Dusky Wayne Renfro, VBA	We often accept collateral from persons other than the defendant/principal. Could this be modified to read - "Principal, indemnitor and /or other parties"? Collateral is used by bondsmen not only to pay forfeitures but also any fees that may be owed, or as future retainers for premiums, etc. Collateral is only allowed to be collected from the principal? Or is that the only person the regs are regulating? I frequently accept collateral from the cosignor, and oftentimes even third parties. Again, think I know what you mean, just poorly written. Under section C, the collateral can be used to pay any and all fees, expenses, and premiums that have incurred with this particular bail bond.	This entire section of the regulation is directly from §9.1-185.10. Any amendments would require legislative change.
6 VAC 20-250-290	UNIFORMS AND IDENTIFICATION	
<u>6VAC 20-250-290</u> Maureen Brown Magistrate 14 th Judicial District	I feel we need this part of the regulations the most	The Department concurs with this comment.
<u>6 VAC 20-250-290</u> Jim Dusky	DCJS shall prescribe forms, which they don't prescribe. Name tags, etc. must be approved by DCJS, but don't. Why have these, when you're not going to follow thru.	Forms are posted on the agency website once approved and the department has proposed regulations for the display and approval of identification under 6

<p><u>6 VAC 20-250-290 B 2</u> Wayne Renfro, VBA</p> <p>Jim Dusky</p>	<p>Under section B-2, Hats are considered part of outer clothing as long as they do not exceed the 3x5 insignia or emblem size.</p> <p>Display on front of shirt. Another ridiculous rule which as written, I would be in violation if my shirt front reads "Dallas Cowboys", right? Name and company on the front of his shirt or jacket...So the back of the jacket can read Bondsman in big letters, and ball caps?</p>	<p>VAC 20-250-290</p> <p>The Department is recommending an amendment of the provision to read: <i>A bail bondsman may display an insignia or emblem that identifies his name and name of his company on the front of his shirt or outermost wear on government property as long as the insignia or emblem is no larger than 3X5 in its entirety.</i></p>
<p><u>6 VAC 20-250-290 B 1</u> Jim Dusky</p>	<p>Visibly displaying photo id on outermost garment contradicts "A" which reads "implies he is an agent of the state". If I dress in a suit with a state issued photo id, with a state seal, issued by the state displayed, I look just like a detective, or plain clothes deputy, trooper, or social worker that appear in the magistrates office every day. What purpose does wearing that photo id serve? We carry it if anyone has any questions. Seems redundant to wear it. Plus, no one can read it, it just makes us look official which is what "A" regulates against.</p>	<p>The photo ID specifically identifies the individual as a licensed bail bondsman, displaying a license issue and expiration date and in no manner reflects that the individual is an agent of the state.</p>
<p>6 VAC 20-250-300</p>	<p>SUBMITTAL REQUIREMENTS</p>	
<p><u>6 VAC 20-250-300</u> Joe Scott</p>	<p>Any and all complaints should be signed</p>	<p>The Department will only conduct investigations on anonymous complaints that provide sufficient detailed information to support alleged violations. If all complaints are required to be signed, this could limit reporting to the Department for fear of retaliation thus allowing violations to occur without Department intervention.</p>

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

See previous section on “Changes made since proposed stage.”

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative regulatory methods that will accomplish the goals of this regulation.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulations indirectly impact the family by providing a regulatory requirement that ensures respectable, responsible, safe and effective bail bonding within the Commonwealth. This regulatory action will result in verifying the qualifications of the individuals providing bail-bonding services through criminal history records checks and training, to ensure competency and prevent deceptive or misleading practices towards the family unit.