

Amendment No. 369

Senate Amendment to Senate Bill No. 18

(BDR 57-464)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

AAK/WLK



Date: 4/23/2017

S.B. No. 18—Makes various changes relating to bail bonds. (BDR 57-464)



SENATE BILL NO. 18—COMMITTEE ON
COMMERCE, LABOR AND ENERGY(ON BEHALF OF THE DIVISION OF INSURANCE OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to bail bonds. (BDR 57-464)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to businesses related to bail; ~~establishing procedures for a claim by a person against the licensing bond required to be filed by a bail agent, bail enforcement agent, bail solicitor or general agent;~~ prohibiting certain conduct by a bail enforcement agent; prohibiting the compensation of an unlicensed person for referring business related to bail to a licensed person; prohibiting the use of forms or documents by a ~~surety insurer,~~ bail agent ~~for bail enforcement agent~~ in certain circumstances; revising provisions relating to the licensing of bail agents, bail enforcement agents, bail solicitors and general agents; revising provisions relating to ~~licensing~~ bonds, ~~required to be filed by applicants for certain licenses;~~ authorizing the Commissioner of Insurance to participate in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents; providing that a surety insurer is liable for the acts of a bail agent, bail enforcement agent or general agent acting on its behalf; revising provisions relating to the money, other valuable consideration or collateral which a surety insurer or bail agent may charge, collect or accept; revising provisions relating to the apprehension and surrender of a defendant; revising provisions relating to bail bonds; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The Nevada Constitution generally provides a right to bail in all but certain criminal cases
2 before conviction. (Nev. Const. Art. 1, § 7) Existing law authorizes the acceptance of a bond
3 or undertaking for bail by one or more sureties. (NRS 178.502) Existing law also prohibits a
4 person from engaging in certain businesses relating to bail without a license. (NRS 697.090)

Existing law requires a bail agent, bail solicitor or general agent to file and maintain a bond against liability relating to bail bond transactions under the person's license. (NRS 697.190) **Section 25** of this bill ~~requires bail enforcement agents to also hold such a licensing bond and revises the amount of the licensing bond which must be filed and maintained by a bail agent. Section 25 also~~ requires that such a [licensing] bond must inure to the benefit of any person damaged by the licensee or person acting on his or her behalf and revises provisions relating to the cancellation and replacement of a licensing bond. [Section 8 of this bill provides for the payment of claims brought against a licensing bond.]

Sections 18-20 of this bill revise provisions relating to the issuance or renewal of a license as a bail agent, bail solicitor or bail enforcement agent, respectively. **Section 21** of this bill revises the training that a bail enforcement agent must receive and requires such training to be completed before a person can enter into a contract or begin employment as a bail enforcement agent. **Section 24** of this bill revises the information that must be contained in a letter submitted to the Commissioner from a local law enforcement agency by certain licensees for the renewal of a license. **Section 26** of this bill revises the circumstances under which a person whose license has lapsed is exempt from retaking the examination that would otherwise be required for the issuance of a license. **Section 27** of this bill authorizes the Commissioner to participate with the National Association of Insurance Commissioners in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors and general agents. ~~[Section 28 of this bill requires a licensee to inform the Commissioner of each change of his or her business or residence address.]~~

Section 9 of this bill prohibits certain conduct by a bail enforcement agent. **Section 15** of this bill prohibits an unlicensed person from receiving compensation for referring business to a person licensed to engage in business relating to bail. **Section 17** of this bill requires a surety insurer to receive approval from the Commissioner before allowing the use of a form or preprinted agreement and prohibits a ~~surety insurer, bail agent [or bail enforcement agent]~~ from using a form or document not ~~[approved]~~ supplied by the [Commissioner] surety insurer that appointed the bail agent. **Section 30** of this bill provides that a bail agent appointed by a surety insurer acts as an attorney-in-fact for the surety insurer and the surety insurer is liable for the acts of any bail agent, bail enforcement agent or general agent acting on its behalf. **Section 31** of this bill provides for the termination of the appointment of a bail agent by a surety insurer and of a bail solicitor by a bail agent and requires that certain information be filed with the Commissioner relating to such a termination. **Sections 31 and 45** of this bill make such information confidential. **Section 33** of this bill establishes certain requirements for bail agents. **Section 39** of this bill prohibits certain acts by licensed persons. **Section 41** of this bill revises the other provisions of the Nevada Insurance Code which apply to businesses related to bail. **Section 42** of this bill authorizes the Commissioner to take certain administrative actions for violations of law or regulation relating to businesses related to bail. **Section 7.5 of this bill authorizes the Commissioner to adopt certain regulations relating to businesses related to bail.**

Section 34 of this bill revises the money or other valuable consideration which may be charged or collected by a surety insurer or bail agent in connection with any bail transaction. **Section 34** also ~~authorizes a surety insurer or bail agent to file an action in a court of competent jurisdiction to recover certain other expenses and prohibits any other form of collection for such expenses. Finally, section 24~~ requires a surety insurer or bail agent to refund all money collected and return all collateral held for a bail transaction which is cancelled before a bail bond is accepted by a court or governmental agency. **Section 35** of this bill ~~revises additional provisions relating to the charges of~~ prohibits a licensee ~~from~~ charging for any service except as provided in section 34. **Section 36** of this bill revises provisions relating to the acceptance and holding of collateral. **Sections 37 and 38** of this bill revise provisions relating to the apprehension and surrender of a defendant to the custody of a court or governmental agency.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 697 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *1. The purpose of this chapter is to ensure the effective regulation of bail transactions and persons who transact in the business of bail.*

2. The Legislature declares that:

(a) Consumers of bail are vulnerable persons who are fighting for their rights; and

(b) It is the intent of the Legislature to ensure that these persons have access to bail bonds when they are unable to secure their own release through bail.

Sec. 3. *"Bail bond" means a contract ~~for surety insurance entered into~~ between a ~~defendant in a criminal proceeding~~ court or government agency and a surety insurer ~~or a bail agent on behalf of a surety insurer~~, to provide bail for ~~that of a defendant~~ in which the surety insurer guarantees the appearance of the defendant in a criminal proceeding to the court or government agency.*

Sec. 4. *"Bail transaction" means any undertaking, solicitation, inducement, negotiation or effectuation of a bail bond for which a fee is charged and any matters arising therefrom.*

Sec. 5. *"Collateral" means any property , including, without limitation, money, subject to a security interest ~~or pursuant to NRS 697.320.~~*

Sec. 6. *"Defendant" means a person ~~who is arrested or detained and who seeks or obtains~~ :*

1. Who is accused of a crime;

2. Who is the principal to a bail bond ~~or~~ ; and

3. Whose appearance is guaranteed by a surety insurer.

Sec. 7. *"Surety insurer" means ~~a corporate surety~~ an entity authorized to transact insurance in this State pursuant to chapter 680A of NRS ~~or authorized to act as a surety by the Commissioner.~~*

Sec. 7.5. *The Commissioner may, by regulation:*

1. Establish the qualifications for a person to act as a surety for the purposes of this chapter.

2. Provide for the issuance of proof of licensure pursuant to this chapter in a form prescribed by the Commissioner.

3. Prohibit practices in the business of bail in addition to those practices prohibited by this chapter.

Sec. 8. *~~1. Any person making a claim against a licensing bond filed pursuant to NRS 697.190 may bring an action in a court of competent jurisdiction against the licensing bond for damages sustained by the person. A person who brings an action against a licensing bond shall notify the Commissioner in writing upon filing the action. Such an action must be commenced within 6 years after the commission of the act, omission or conduct on which the action is based.~~*

~~2. Upon receiving a request from a person for whose benefit a licensing bond is filed pursuant to NRS 697.190, the Commissioner shall provide a written notice to the person which states:~~

~~(a) Whether the licensing bond is in effect and the amount of the licensing bond; and~~

~~(b) If there is an action against the licensing bond, the title, court and case number of the action and the amount sought by the plaintiff.~~

~~3. If the surety insurer of a licensing bond wishes to make a payment without awaiting an action by a court, the amount of the licensing bond must be reduced to the extent of any payment made by the surety insurer of the licensing bond in good faith under the licensing bond.~~

~~4. Multiple claims against a licensing bond have equal priority. If the licensing bond is insufficient to pay all claims in full, the claims must be paid on a pro rata basis. Partial payment of a claim is not a full payment and any claimant who has received a partial payment on a claim may bring an action against the bail agent, bail enforcement agent, bail solicitor, general agent or surety insurer for the unpaid balance. (Deleted by amendment.)~~

Sec. 9. 1. ~~1.4~~ When locating a defendant for the purpose of apprehending and surrendering the defendant, a bail enforcement agent ~~who is authorized to locate, apprehend and surrender a defendant~~ shall not:

(a) Enter an inhabited dwelling or business establishment without reasonable, credible and demonstrable evidence that the defendant is immediately present;

(b) Enter an inhabited dwelling or business establishment for any purpose other than to locate, apprehend and surrender ~~the~~ a defendant ~~;~~

~~for whom a warrant has been issued or a surety has been given notice of a failure to appear pursuant to NRS 178.508;~~

(c) Enter the inhabited dwelling of a third party without the consent of ~~each~~ a lawful occupant of the inhabited dwelling present at the time of entry;

~~(e)~~ (d) Apprehend a defendant at a business establishment without the consent of the business owner or an agent of the business ~~former who has~~ with apparent authority to grant such consent;

~~(f)~~ (e) Identify or hold himself or herself out as a peace officer, law enforcement officer or representative of any court or governmental agency;

~~(g)~~ (f) Wear or use any uniform, clothing, badge or insignia that so closely resembles the uniform, clothing, badge or insignia of any city, county, state or federal law enforcement agency that it would suggest to an ordinary person that the bail enforcement agent represents or is employed by a law enforcement agency;

~~(h)~~ (g) Employ or ~~otherwise use~~ allow any person who is not licensed as a bail enforcement agent pursuant to the provisions of this chapter to ~~effectuate the apprehension~~ locate, apprehend or surrender ~~off~~ the defendant;

~~(i)~~ (h) Use more force than is reasonable and necessary to carry out the apprehension and surrender of the defendant; or

~~(j)~~ (i) Use ~~an electronic stun device, as defined in NRS 202.357,~~ a weapon on a person ~~other than the bail enforcement agent~~ for any purpose other than self-defense. ~~as set forth in that section.~~

2. Unless a greater penalty is provided by statute ~~it~~ and in addition to any other penalty provided in this chapter, a bail enforcement agent who violates any provision of this section is guilty of:

(a) For a first ~~offense,~~ violation, a misdemeanor.

(b) For a second ~~offense,~~ violation, a gross misdemeanor.

(c) For a third and each subsequent ~~offense,~~ violation, a category D felony, and shall be punished as provided in NRS 193.130.

3. As used in this section, "inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which ~~a bail enforcement agent has reasonable, credible and demonstrable evidence that the defendant is immediately present,~~ the owner or other lawful occupant resides. The term does not include a business establishment.

1 **Sec. 10.** NRS 697.020 is hereby amended to read as follows:

2 697.020 As used in this Code, unless the context otherwise requires, the
3 words and terms defined in NRS 697.030 to 697.070, inclusive, *and sections 3 to 7,*
4 *inclusive, of this act* have the meanings ascribed to them in those sections.

5 **Sec. 11.** NRS 697.030 is hereby amended to read as follows:

6 697.030 “Bail” means a deposit made with a court or other governmental
7 agency to secure ~~for continue~~ the release from custody and to guarantee the
8 appearance of the defendant in a criminal proceeding ~~[-. The term includes bail~~
9 ~~bonds, undertakings of bail and any pledge or deposit of the matters described in~~
10 ~~NRS 697.320.] in accordance with the conditions and terms of release established~~
11 ~~by the court or governmental agency. [-pursuant to chapter 178 of NRS.]~~

12 **Sec. 12.** NRS 697.040 is hereby amended to read as follows:

13 697.040 “Bail agent” means any individual appointed by an authorized surety
14 insurer by power of attorney to *act on behalf of the surety insurer in a bail*
15 *transaction* to execute or countersign ~~undertakings of~~ a bail bond in connection
16 with judicial proceedings ~~[-and who receives or is promised money or other things~~
17 ~~of value therefor.]~~ for money or other valuable consideration pursuant to NRS
18 697.300.

19 **Sec. 13.** NRS 697.055 is hereby amended to read as follows:

20 697.055 “Bail enforcement agent” means a person who ~~has contracted~~
21 *contracts* with or is employed by a surety *insurer* or bail agent ~~[-as a special agent~~
22 ~~an attorney-in-fact] to [-enforce] ensure a defendant complies with~~ the terms and
23 conditions *established by a court or governmental agency* of a defendant’s release
24 from custody on bail in a criminal proceeding ~~[-] and to locate [-a defendant] and~~
25 ~~[-to] apprehend a defendant [-for surrender a solely] for the purpose of surrendering~~
26 *the* defendant to custody. ~~[-, or both, if appropriate.]~~

27 **Sec. 14.** NRS 697.070 is hereby amended to read as follows:

28 697.070 1. “General agent” means any individual or person appointed by
29 ~~[-an authorized] a surety~~ insurer to supervise or manage the bail bond business
30 written by bail agents of ~~such] the surety~~ insurer.

31 2. A general agent shall not solicit or negotiate undertakings of bail or bail
32 bonds unless licensed as a bail agent by this state.

33 **Sec. 15.** NRS 697.090 is hereby amended to read as follows:

34 697.090 1. A person in this state shall not act in the capacity of a bail agent,
35 bail enforcement agent, ~~[-,] bail solicitor [-] or general agent,~~ or perform any of
36 the functions, duties or powers prescribed for a bail agent, bail enforcement agent,
37 ~~[-] bail solicitor~~ or general agent under the provisions of this chapter, unless that
38 person is qualified and licensed as provided in this chapter. The Commissioner
39 may, after notice and opportunity to be heard, impose an administrative fine ~~[-of not~~
40 ~~more than \$1,000] pursuant to NRS 697.370~~ for each act or violation of the
41 provisions of this subsection.

42 2. ~~[-A person, whether or not located in this state, shall not act as or hold~~
43 ~~himself or herself out to be a general agent unless qualified and licensed as such~~
44 ~~under the provisions of this chapter.~~

45 ~~—3—~~ *A person who is not licensed pursuant to this chapter shall not request*
46 *or accept any payment, commission or other remuneration for referring business*
47 *to a person licensed pursuant to this chapter.*

48 ~~[-] 3.~~ For the protection of the people of this state, the Commissioner shall
49 not issue or renew, or permit to exist, any license except in compliance with this
50 chapter. The Commissioner shall not issue or renew, or permit to exist, a license for
51 any person ~~found] determined by the Commissioner~~ to be untrustworthy or
52 incompetent, or who has not established to the satisfaction of the Commissioner
53 that the person is qualified therefor in accordance with this chapter.

1 **Sec. 16.** NRS 697.100 is hereby amended to read as follows:

2 697.100 1. Except as otherwise provided in this section, no license may be
3 issued:

4 (a) Except in compliance with this chapter.

5 (b) To a bail agent, bail enforcement agent or bail solicitor, unless he or she is
6 a natural person.

7 2. ~~[A corporation]~~ *An entity who has been issued a state business license*
8 *pursuant to chapter 76 of NRS* may be licensed as a bail agent ~~for bail~~
9 ~~enforcement agent~~ if:

10 (a) The ~~[corporation]~~ entity is owned and controlled by ~~an~~ a surety insurer;
11 ~~authorized to write surety insurance in this State or a subsidiary~~
12 ~~corporation of such an insurer;~~ or

13 (b) Ownership and control of the ~~[corporation]~~ entity is retained by one or
14 more licensed bail agents.

15 3. ~~[This section does not prohibit two or more licensed bail agents from~~
16 ~~entering into a partnership for the conduct of their bail business. No person may be~~
17 ~~a member of such a partnership unless the person is licensed pursuant to this~~
18 ~~chapter in the same capacity as all other members of the partnership. A limited~~
19 ~~partnership or a natural person may not have any proprietary interest, directly or~~
20 ~~indirectly, in a partnership or the conduct of business thereunder except licensed~~
21 ~~bail agents as provided in this chapter.]~~ *Except for the performance of ministerial*
22 *acts, a person shall not act on behalf of a bail agent in a bail transaction unless*
23 *the person is licensed as a bail agent.*

24 **Sec. 17.** NRS 697.130 is hereby amended to read as follows:

25 697.130 1. The Commissioner shall prescribe and furnish all forms in
26 connection with licensing and appointments required under this chapter.

27 2. *A surety insurer must, before allowing the use of any form or preprinted*
28 *agreement by its appointed bail agents, submit all such forms and preprinted*
29 *agreements to the Commissioner for approval.*

30 3. ~~A [surety insurer] bail agent [for bail enforcement agent] shall not use~~
31 ~~any] a form or [document not approved by the Commissioner.] preprinted~~
32 ~~agreement unless the form or preprinted agreement is supplied by the surety~~
33 ~~insurer that appointed the bail agent.~~

34 **Sec. 18.** NRS 697.150 is hereby amended to read as follows:

35 697.150 1. Except as otherwise provided in ~~[subsection 2,]~~ subsections 2
36 and 3, a person ~~[is entitled to]~~ may receive, renew or hold a license as a bail agent
37 if the person:

38 (a) Is a resident of this State and has resided in this State for not less than 1
39 year immediately preceding the date of the application for the license.

40 (b) Is a natural person not less than 18 years of age.

41 (c) Has been appointed as a bail agent by an authorized surety insurer, subject
42 to the issuance of the license.

43 (d) Is competent, trustworthy and financially responsible.

44 (e) Has passed any written examination required under this chapter.

45 (f) Has filed the ~~[licensing]~~ bond required by NRS 697.190.

46 (g) Has, on or after July 1, 1999, successfully completed ~~[a 6-hour]~~ an 18-hour
47 course of instruction in bail ~~[bonds]~~ transactions that is:

48 (1) Offered by a state or national organization of bail agents or another
49 organization that administers training programs for bail agents; and

50 (2) Approved by the Commissioner.

51 2. ~~[A person is not entitled to receive, renew or hold The Commissioner may,~~
52 ~~at any time, as a condition of receiving, renewing or holding a license as a bail~~
53 ~~agent if the person has, require a person to complete a:~~

~~(a) Psychiatric or psychological examination if the Commissioner has reasonable belief that the person may be suffering from a psychological condition that may adversely affect the ability of the person to carry out his or her duties as a bail agent.~~

~~(b) Test of the person's blood or urine to determine whether a controlled substance is present in the person's blood or urine and submit the results of the test to the Commissioner. If the results of the test indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription, the Commissioner may deny, suspend or revoke the license of the person.~~

~~3.1 The Commissioner may deny an application for, refuse to renew or revoke a license as a bail agent if the applicant or licensee:~~

~~(a) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to ~~1~~, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for ~~1~~;~~

~~(1) Any crime involving an act of dishonesty, a breach of trust or moral turpitude;~~

~~(2) A felony in this State or of any offense committed in another state which would be a felony if committed in this State; or~~

~~(3) The unlawful use, sale or possession of a controlled substance;~~

~~(b) Is determined by the Commissioner to ~~1~~deny a license to the applicant or to suspend or revoke the license of the agent ~~1~~ be untrustworthy or incompetent; or~~

~~(c) Has not established to the satisfaction of the Commissioner that he or she is qualified in accordance with the provisions of this chapter.~~

Sec. 19. NRS 697.170 is hereby amended to read as follows:

697.170 1. Except as otherwise provided in subsection 2, a person ~~is~~ ~~entitled to ~~1~~~~ may receive, renew or hold a license as a bail solicitor if the person:

(a) Is a natural person not less than 18 years of age.

(b) Is a resident of this state and has resided in this state for not less than 3 months immediately preceding the date of the application for the license.

(c) Is the bona fide employee of a licensed bail agent as a bail solicitor, or is to be so employed subject to the issuance of the license.

(d) Has successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail solicitors; and

(2) Is approved by the Commissioner.

(e) Has passed any written examination required under this chapter.

2. ~~Except as otherwise provided in NRS 697.188, a person is not entitled to receive, renew or hold ~~1~~~~ The Commissioner may deny an application for, refuse to renew or revoke a license as a bail solicitor if the ~~person ~~1~~~~ applicant or licensee:

(a) Has been convicted of ~~1~~, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:

~~(1) Any crime involving an act of dishonesty, a breach of trust or moral turpitude;~~

~~(2) A felony in this state or of any offense committed in another state which would be a felony if committed in this state; or~~

~~(b) Has been convicted of an offense involving moral turpitude or the ~~1~~~~

~~(3) The unlawful use, sale or possession of a controlled substance ~~1~~;~~

(b) Is determined by the Commissioner to be untrustworthy or incompetent; or

(c) Has not established to the satisfaction of the Commissioner that he or she is qualified in accordance with the provisions of this chapter.

Sec. 20. NRS 697.173 is hereby amended to read as follows:

697.173 1. Except as otherwise provided in subsection 2, ~~subsections 2 and 3,~~ a person ~~is entitled to~~ may receive, renew or hold a license as a bail enforcement agent if the person:

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has:

(1) A high school diploma;

(2) A general equivalency diploma or an equivalent document; or

(3) An equivalent education as determined by the Commissioner.

(d) Has complied with the requirements of subsection 4 of NRS 697.180.

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) ~~Successfully completes~~

~~(i) Has successfully completed~~ the training required by NRS 697.177.

2. ~~A person is not entitled to receive, renew or hold The Commissioner may, at any time, as a condition of receiving, renewing or holding a license as a bail enforcement agent, require a person to complete a~~

~~(a) Psychiatric or psychological examination if the Commissioner has reasonable belief that the person may be suffering from a psychological condition that may adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.~~

~~(b) Test of the person's blood or urine to determine whether a controlled substance is present in the person's blood or urine and submit the results of the test to the Commissioner. If the results of the test indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription, the Commissioner may deny, suspend or revoke the license of the person.~~

~~3. The Commissioner may deny an application for, refuse to renew or revoke~~ a license ~~if~~ as a bail enforcement agent if the ~~person~~ applicant or licensee:

(a) Has been convicted of ~~it~~, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) Any crime involving an act of dishonesty, a breach of trust or moral turpitude;

(2) A felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

~~(b) Has been convicted of an offense involving moral turpitude or the~~

(3) The unlawful use, sale or possession of a controlled substance ~~it~~;

*(b) Is determined by the Commissioner to be untrustworthy or incompetent;
or*

*(c) Has not established to the satisfaction of the Commissioner that he or she
is qualified in accordance with the provisions of this chapter.*

Sec. 21. NRS 697.177 is hereby amended to read as follows:

697.177 1. Except as otherwise provided in this section, an applicant for a license as a bail enforcement agent must satisfactorily complete a basic course of training for bail enforcement agents that is approved by the Commissioner.

2. The basic course of training must consist of at least 80 hours of training which includes instruction in:

(a) The following areas of the law:

(1) Constitutional law;

(2) Procedures for ~~arresting~~ *apprehending* defendants and surrendering defendants into custody;

(3) Civil liability;

(4) The civil rights of persons who are detained in custody;

(5) The use of force; and

(6) The history and principles of bail;

(b) Procedures for field operations, including, without limitation:

(1) Safety and survival techniques;

(2) Searching buildings;

(3) Handling persons with mental illness or who are under the influence of alcohol or a controlled substance; and

(4) The care and custody of prisoners;

(c) The skills required of bail enforcement agents, including, without limitation:

(1) Writing reports, completing forms and procedures for exoneration;

(2) Methods ~~to arrest~~ *for apprehending defendants*;

(3) Nonlethal weapons;

(4) The retention of weapons;

(5) Qualifications for the use of firearms; and

(6) Defensive tactics;

(d) Principles of investigation, including, without limitation:

(1) The basic principles of locating defendants who have not complied with the terms and conditions established by a court *or other governmental agency* for their release from custody or the terms and conditions of a contract entered into with a surety ~~to insure~~ *insurer*; and

(2) Ethics; and

(e) The following subjects:

(1) Demeanor in a courtroom;

(2) First aid used in emergencies; and

(3) Cardiopulmonary resuscitation.

~~An applicant may complete the 80 hours of training required by this subsection by completing 16 hours of training each weekend for 5 weeks.~~

3. In lieu of completing the basic course of training required by subsection 1, an applicant may submit proof to the Commissioner that the applicant has completed a course of training required by a municipal, state or federal law enforcement agency or a branch of the Armed Forces to carry out the duties of a peace officer.

4. An applicant for a license as a bail enforcement agent must complete the training required by this section ~~within 9 months after the date the applicant is employed by a bail agent as a bail enforcement agent. The Commissioner shall issue a temporary license to an applicant who has not completed the training if the~~

applicant is otherwise qualified to be issued a license as a bail enforcement agent.
The temporary license:

— (a) Authorizes the person to whom it is issued to act as a bail enforcement agent while employed by a licensed bail agent.

— (b) Is valid for 9 months or until the person to whom it is issued completes the training required by this section, whichever occurs first.

— (c) May not be renewed *before the applicant enters into a contract or begins employment with a surety insurer or with a bail agent* ~~for behalf of a surety insurer.~~

Sec. 22. NRS 697.183 is hereby amended to read as follows:

697.183 An application for a license as a bail agent must be accompanied by:

1. Proof of the completion of ~~to a 6-hour~~ *the* course of instruction in bail ~~bonds~~ *transactions required by NRS 697.150* that is:

(a) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(b) Approved by the Commissioner.

2. A written appointment by an authorized *surety* insurer as agent for bail bonds, subject to the issuance of the license.

3. A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(a) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(b) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 23. NRS 697.184 is hereby amended to read as follows:

697.184 1. An application for a license as a general agent must be accompanied by:

(a) Proof of the completion of a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for general agents; and

(2) Approved by the Commissioner.

(b) A written appointment by an authorized *surety* insurer as general agent, subject to the issuance of the license.

(c) A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(1) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(2) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

(d) A copy of the contract or agreement that authorizes the general agent to act as general agent for the *surety* insurer.

(e) Any other information the Commissioner may require.

2. If the applicant for a license as a general agent is a firm or corporation, the application must include the names of the members, officers and directors and designate each natural person who is to exercise the authority granted by the license. Each person so designated must furnish information about himself or herself as though the application were for an individual license.

Sec. 24. NRS 697.188 is hereby amended to read as follows:

697.188 A person who is licensed as a general agent, bail agent or bail solicitor on October 1, 1997, ~~is entitled to~~ *may* renew his or her license after that date if the person is otherwise qualified to be issued such a license and submits to

the Commissioner a letter from a local law enforcement agency in his or her county of residence which indicates that the person:

1. Has not, on or after October 1, 1997, been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; ~~and~~

2. Has not, on or after October 1, 1997, been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance ~~;~~ ~~and~~

3. *Has complied with the requirements of NRS 697.090 and 697.150 and is otherwise qualified for the issuance of the license pursuant to this chapter.*

Sec. 25. NRS 697.190 is hereby amended to read as follows:

697.190 1. Each applicant for a license as a bail agent, bail ~~enforcement agent, bail~~ solicitor or general agent must file with the application, and thereafter maintain in force while so licensed, a ~~licensing~~ bond in favor of the people of the State of Nevada executed by an authorized surety insurer. The ~~licensing~~ bond may be continuous in form with total aggregate liability limited to payment as follows:

(a) Bail agent.....	\$25,000 (\$100,000)
(b) Bail enforcement agent	100,000
(c) Bail solicitor.....	10,000
(d) General agent.....	50,000

2. The ~~licensing~~ bond must ~~be conditioned upon full accounting and payment inure to the benefit of any person entitled thereto of money, property, damaged by any act, omission or other matters coming into the licensee's possession through bail bond transactions under the license.~~ *conduct of the bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent, any employee thereof or any independent contractor or assignee acting on behalf thereof.*

3. The ~~licensing~~ bond must remain in force until released by the Commissioner, or cancelled by the surety ~~insurer~~. Without prejudice to any liability previously incurred under the bond, the surety ~~insurer~~ may ~~request to~~ cancel the ~~licensing~~ bond upon 30 days' advance written notice to the licensee and the Commissioner. *Upon receipt of such a ~~request~~ notice, the Commissioner shall:*

(a) Suspend the license of the bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent for whom the bond was filed without a hearing if the licensee fails to provide a replacement bond which meets all requirements of this section for the cancelled bond before the date of cancellation of the cancelled bond. Such a suspension is effective on the date of cancellation of the cancelled bond.

(b) Revoke the license of a bail agent, ~~bail enforcement agent,~~ bail solicitor or general agent for whom the bond was filed unless the licensee furnishes an equivalent bond or a substitute form of security which is acceptable to the Commissioner within 30 days after the cancellation to replace the cancelled bond.

➤ A cancellation pursuant to this section does not affect any liability incurred or accrued on the ~~licensing~~ bond before the cancellation.

Sec. 26. NRS 697.205 is hereby amended to read as follows:

697.205 A bail agent, bail enforcement agent or bail solicitor whose license lapses is exempt from retaking the examination otherwise required under NRS 697.200 if he or she applies and is ~~relicensed~~ :

1. *Relicensed* within 6 months after the date of lapse ~~;~~ ~~and~~

2. *Otherwise qualified for the issuance of the license pursuant to this chapter.*

1 **Sec. 27.** NRS 697.210 is hereby amended to read as follows:

2 697.210 1. If the Commissioner finds that the application is complete, that
3 the applicant has passed all required examinations and is otherwise qualified for the
4 license applied for, the Commissioner ~~shall promptly~~ *may* issue the license.
5 ~~Otherwise,~~ If the Commissioner ~~shall refuse~~ *refuses* to issue the license ~~and~~,
6 *the Commissioner shall* promptly notify the applicant and the appointing *surety*
7 insurer, if the application is for a bail agent's or general agent's license, or the
8 employer, if the application is for a *bail enforcement agent's or* bail solicitor's
9 license, of such refusal, stating the grounds for the refusal.

10 2. All *licensing* fees required to be paid pursuant to this chapter shall be
11 deemed earned when paid and may not be refunded.

12 3. *The Commissioner may participate with the National Association of*
13 *Insurance Commissioners, or a subsidiary thereof, in a centralized registry in*
14 *which the licensing and appointment of bail agents, bail enforcement agents, bail*
15 *solicitors and general agents may be processed for all states that require licensing*
16 *and participate in the registry. If the Commissioner finds that participation is in*
17 *the public interest, the Commissioner may adopt by regulation any requirements*
18 *for participation, including, without limitation, any centralized collection of fees*
19 *for licensing and appointment through the use of the registry.*

20 **Sec. 28.** ~~NRS 697.220 is hereby amended to read as follows:~~

21 ~~697.220 1. A license must state the name and address of the licensee, the~~
22 ~~date of issue, general conditions relative to expiration or termination, and such~~
23 ~~other information and conditions as the Commissioner may deem proper and~~
24 ~~consistent with law.~~

25 ~~2. The license of a bail solicitor must also state the name and address of the~~
26 ~~bail agent who is the employer of the bail solicitor.~~

27 ~~3. A licensee shall inform the Commissioner of each change of his or her~~
28 ~~business or residence address, in writing or by other means acceptable to the~~
29 ~~Commissioner, within 30 days after the change. If a licensee fails to give notice~~
30 ~~pursuant to this subsection and the Commissioner is unable to locate the licensee~~
31 ~~after diligent effort, the Commissioner may revoke the license of the licensee~~
32 ~~without a hearing. The mailing of a letter by certified mail, return receipt~~
33 ~~requested, addressed to the licensee at his or her most recent mailing address on~~
34 ~~record with the Division, and the return of the letter undelivered, is deemed to~~
35 ~~constitute a diligent effort by the Commissioner.] (Deleted by amendment.)~~

36 **Sec. 29.** NRS 697.230 is hereby amended to read as follows:

37 697.230 1. ~~Except as otherwise provided in NRS 697.177, each~~ *Each*
38 license issued ~~to a general agent, bail agent, bail enforcement agent or bail~~
39 ~~solicitor~~ under this chapter continues in force for 3 years unless it is suspended,
40 revoked or otherwise terminated. A license may be renewed *if the licensee is*
41 *qualified as provided in this chapter* upon payment of all applicable fees for
42 renewal to the Commissioner on or before the last day of the month in which the
43 license is renewable. All applicable fees must be accompanied by:

44 (a) Proof that the licensee has completed a 3-hour program of continuing
45 education that is:

46 (1) Offered by the authorized surety insurer from whom the licensee
47 received written appointment, if any, a state or national organization of bail agents
48 or another organization that administers training programs for general agents, bail
49 agents, bail enforcement agents or bail solicitors; and

50 (2) Approved by the Commissioner;

51 (b) If the licensee is a natural person, the statement required pursuant to NRS
52 697.181; and

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. ~~Any~~ Except as otherwise provided in subsection 3, any license that is not renewed on or before the last day specified for its renewal expires at midnight on that day. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and, if the person requesting renewal is a natural person, the statement required pursuant to NRS 697.181.

3. *A licensee who is unable to renew his or her license because of military service, extended disability or any other extenuating circumstance specified by the Commissioner may request a waiver of the provisions of subsection 2 and of any administrative fine imposed because of his or her failure to renew the license.*

4. A bail agent's license continues in force ~~while~~ as provided in subsection 1 if there is in effect an appointment of ~~him or her~~ the licensee as a bail agent of one or more authorized surety insurers. ~~It is in effect.~~ Upon termination of all the bail agent's appointments and the bail agent's failure to replace any appointment within 30 days thereafter, the bail agent's license expires and the bail agent shall promptly deliver his or her license to the Commissioner.

~~It~~ 5. The Commissioner shall terminate the license of a general agent for a particular surety insurer upon a written request by the surety insurer.

~~5. This section does not apply to temporary licenses issued under NRS 683A.311 or 697.177.~~

Sec. 30. NRS 697.240 is hereby amended to read as follows:

697.240 1. Each surety insurer appointing a bail agent shall file with the Commissioner a written appointment and pay the applicable fee for the appointment.

2. Each appointment remains in effect until the bail agent's license is revoked or otherwise terminated, ~~for there is~~ an earlier termination of the appointment if it occurs or, if the written appointment provides a date for its expiration, the written appointment expires.

3. ~~No surety insurer may appoint a bail agent whose contingent liability exceeds an amount equal to 10 times his or her reserve account unless the appointment is first approved by the Commissioner.~~

~~4. A bail agent appointed by a surety insurer acts as an attorney-in-fact for the surety insurer at all times on bail bonds and other contracts executed on behalf of the surety insurer, or in connection with~~ for a bail transaction.

~~5. 4. A surety insurer is liable for the acts of any appointed bail agent, bail enforcement agent and general agent acting on its behalf. It, whether directly or indirectly.~~

Sec. 31. NRS 697.250 is hereby amended to read as follows:

697.250 1. ~~Any~~ A surety insurer may terminate ~~any~~ its appointment of a bail agent at any time. The surety insurer shall promptly give written notice of the termination and the effective date thereof to the Commissioner, on forms furnished by the Commissioner, and to the bail agent if reasonably possible. The Commissioner may require of the surety insurer reasonable proof that the surety insurer has also given such a notice to the bail agent if reasonably possible.

2. Accompanying each notice of termination given to the Commissioner, the *surety* insurer shall file with the Commissioner a statement of the cause, if any, for the termination. Any information or documents so disclosed to the Commissioner ~~shall be deemed an absolutely privileged communication.~~ *are confidential*, and the information or documents are not admissible as evidence in any action or proceedings unless their use as evidence is permitted by the *surety* insurer in writing.

3. A bail agent terminating the ~~appointment and license as such~~ *employment* of a bail solicitor shall give notice of *the* termination in the manner prescribed by subsections 1 and 2. Any information or documents disclosed to the Commissioner ~~shall be deemed an absolutely privileged communication, unless the privilege~~ *are confidential, unless confidentiality* is waived in writing by the bail agent.

4. No agreement between ~~any~~ *a surety* insurer and a bail agent ~~for between an employing bail agent and a licensed bail solicitor affects the Commissioner's~~ *affects the expiration of the bail agent's license based on the* termination of *all of* the ~~appointment, or license if the termination is requested by the insurer or the employing bail agent, as the case may be.~~ *appointments of the bail agent.*

Sec. 32. ~~NRS 697.270 is hereby amended to read as follows:
697.270 A bail agent shall not act as an attorney in fact for any a surety insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the bail agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each surety insurer which the bail agent represents as bail agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the bail agent is licensed by the Commissioner.~~ *(Deleted by amendment.)*

Sec. 33. NRS 697.280 is hereby amended to read as follows:
697.280 1. Every bail agent shall have and maintain in this state a place of business accessible to the public, wherein the licensee ~~principally~~ *conducts* transactions under his or her license. The address of the ~~principal~~ *place of business* of the licensee must appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner of any change in that address. This subsection does not prohibit a licensee from conducting business in his or her residence in this state.

2. The licenses of the licensee, and ~~those of~~ *all* others employed by the licensee, ~~and~~ *the fees charged for services rendered and a statement of consumer rights* must be conspicuously displayed in the ~~principal~~ *place of business* of the licensee in a part or area customarily open to the public. *The licensee shall provide a copy of the statement of consumer rights to each client principal and indemnitor. The Commissioner shall adopt regulations which establish the statement of consumer rights required to be displayed and provided to each client principal and indemnitor by this subsection.*

3. *In addition to providing copies of all approved agreements and forms pursuant to NRS 697.130, a bail agent shall provide to a defendant and any other party to a bail transaction, in writing, the name and contact information of the surety insurer issuing the bail bond in the transaction.*

4. The bail agent shall keep at his or her ~~principal~~ *place of business* the records required under NRS 697.290.

5. *Only one fictitious name may be used for any bail agent established under the a bail agent's license. The fictitious name must be registered with and approved by the Division.*

Sec. 34. NRS 697.300 is hereby amended to read as follows:

697.300 1. A *surety insurer or* bail agent shall not, in any bail transaction or in connection therewith, directly or indirectly, charge or ~~collect~~ *accept* money or other valuable consideration ~~from any person~~ except for the following purposes:

(a) To pay the ~~premium at the rates established by the insurer, in accordance with chapter 686B of NRS, or to pay the charges for the bail bond filed in connection with the transaction at the rates filed in accordance with the provisions of this Code. The rates must be~~ *one-time charge of* 15 percent of the amount of the *bail* bond or \$50, whichever is greater ~~for a bail bond executed and accepted by a court or governmental agency, as set out in NRS 697.310.~~

(b) ~~To provide collateral.~~

~~(c) To reimburse himself or herself for~~ *For* actual expenses incurred in ~~connection with~~ the *bail* transaction. Such expenses are limited to:

(1) Guard fees.

(2) Notary public fees, recording fees, expenses incurred for necessary long distance telephone calls and charges for telegrams.

(3) Travel expenses incurred more than 25 miles from the *bail* agent's ~~principal~~ place of business. Such expenses:

(I) May be billed at the rate provided for state officers and employees generally; and

(II) May not be charged in areas where bail agents advertise a local telephone number.

(4) Expenses incurred to verify underwriting information.

(5) ~~Any~~ *Court fees associated with the filing of the bail bond.*

~~For~~ *(c) For any* other actual ~~expenditure necessary to the transaction which is not usually and customarily incurred in connection with bail transactions.~~

~~(d) To reimburse himself or herself, or have~~ *expenses incurred in good faith, a surety insurer or bail agent has a right of action at law in a court of competent jurisdiction against the principal or any indemnitor, for actual including, without limitation, those expenses incurred in good faith, by reason of breach by the defendant of any of the terms of the written agreement under which and pursuant to which the undertaking of bail or bail bond was written. If there is no written agreement, or an incomplete writing, the surety may, at law, enforce its equitable rights against the principal and his or her indemnitors, in exoneration. Such reimbursement or right of action must not exceed the principal sum of the bond or undertaking, plus any reasonable expenses that may be verified by receipt in a total amount of not more than the principal sum of the bond or undertaking, incurred in good faith by the surety, its agents, licensees and employees by reason of the principal's breach.*

~~2. This section does not prevent the full and unlimited right of a bail agent to execute undertaking of bail on behalf of a nonresident agent of the surety he or she represents. The licensed resident bail agent is entitled to a minimum countersignature fee of \$5, with a maximum countersignature fee of \$100, plus expenses incurred in accordance with paragraphs (c) and (d) of subsection 1. Such countersignature fees may be charged in addition to the premium of the undertaking. A surety insurer or bail agent shall not use any other form of collection to recover such expenses.~~

~~3. authorized by the Commissioner by regulation.~~

2. *At any time before a bail bond is accepted by a court or governmental agency, the bail transaction may be cancelled by any party to the bail transaction.*

3. If a defendant is not released from custody, including, without limitation, as a result of a hold imposed by a court or governmental agency, a bail transaction involving the defendant is deemed to be cancelled.

4. If a bail transaction is cancelled ~~if~~ or a defendant is located, apprehended or surrendered in violation of section 9 of this act, the surety insurer or bail agent ~~on behalf of the surety insurer~~ must refund all money ~~collected~~ and return all collateral held pursuant to NRS 697.320 in full by the end of the 10th business day after the cancellation. The surety insurer or bail agent ~~on behalf of the surety insurer~~ shall pay interest on any money or collateral not returned within the period set forth in this subsection.

Sec. 35. NRS 697.310 is hereby amended to read as follows:

697.310 ~~if~~ Except to the extent permitted by ~~paragraphs (c) and (d) of subsection 1 and subsection 2 of~~ NRS 697.300, a licensee shall not ~~make any~~ charge for ~~the~~ any services ~~of the licensee in a bail transaction that are in addition to the premium or the charge for a bail bond at the rates filed in accordance with the provisions of this Code. a one-time charge of 15 percent of the amount of the bond or \$50, whichever is greater, for the bail bond executed in the bail transaction.~~

~~2. A licensee shall not charge any costs associated with hiring an attorney at law to represent the surety insurer, bail agent, bail enforcement agent, bail solicitor or general agent.~~

~~3. A licensee shall not charge or collect any fees for a bail transaction that is cancelled at any time before the bail bond is accepted by a court or governmental agency.~~

Sec. 36. NRS 697.320 is hereby amended to read as follows:

697.320 1. ~~A~~ ~~On behalf of a surety insurer, a~~ bail agent may accept ~~physical possession of~~ property as collateral solely as security ~~in connection with~~ for a bail ~~transaction~~ bond if the property offered as collateral ~~security~~ is reasonable in relation to the face amount of the bail bond. The bail agent shall not transfer the collateral to any person other than a bail agent licensed pursuant to this chapter or a surety insurer holding a valid certificate of authority issued by the Commissioner. The collateral must not be transported or otherwise removed from this state. ~~Any person who receives the collateral:~~

~~(a) Shall be deemed to hold the collateral. When any collateral is held to secure an interest in a bail transaction, the~~ The collateral must be:

(a) Described with specificity in a ~~written~~ written receipt signed by each party to the bail transaction, the surety insurer or bail agent and the depositor at the time ~~of the issuance of the bail bond~~ the collateral is accepted;

(b) Held in a fiduciary capacity ~~to the same extent as a bail agent; and~~
~~(b) Shall retain, return;~~

(c) Held, returned and otherwise ~~possess the collateral~~ possessed in accordance with the provisions of this chapter ~~if~~; and

(d) Insured by the surety insurer or bail agent who has physical possession of the collateral, at the expense of the surety insurer or bail agent, to the benefit of the principal or indemnitor.

2. ~~The collateral security must be received by the bail agent in his or her fiduciary capacity, and before any forfeiture of bail. Any ~~other form of security interest obtained~~ collateral in connection with a bail transaction for which the bail agent does not take possession is governed by chapter 104 of NRS and any other applicable laws.~~

3. Any collateral specified in subsection 1 must be kept separate and apart from any other funds or assets of the ~~licensee~~ surety insurer or bail agent. Any security interest in collateral ~~received must be returned to the person who~~

1 deposited it with the bail agent or any assignee other than the bail agent terminates
2 as soon as the obligation, the satisfaction of which was secured by the collateral, is
3 discharged ~~and all fees owed to the bail agent have been paid.~~ or the bail
4 transaction is cancelled. ~~The bail agent or any surety insurer having custody of~~
5 ~~the collateral shall, immediately after the bail agent or surety insurer receives~~
6 ~~receiving a request for return of the collateral from the person who deposited the~~
7 ~~collateral, determine whether the bail agent or surety insurer has received notice~~
8 ~~that the obligation is has been discharged. If the~~ pursuant to NRS 697.300. Any
9 collateral ~~is deposited to secure the obligation of a bail bond, it~~ must be returned
10 ~~immediately upon a determination that~~ within 10 days after the obligation is
11 ~~discharged or within 10 days~~ after receipt of ~~the~~ a written request for return of
12 the collateral, ~~and notice of the entry of any order by an authorized official by~~
13 ~~virtue of which liability under the bond is terminated or upon payment of all fees~~
14 ~~owed to the bail agent,~~ whichever is ~~later.~~ earlier. ~~A certified copy of the minute~~
15 ~~order from the court wherein the bail or undertaking was ordered exonerated shall~~
16 ~~be deemed prima facie evidence of exoneration or termination of liability.~~

17 3. ~~If a bail agent receives as collateral in a bail transaction, whether on the~~
18 ~~bail agent's or another person's behalf, any document conveying title to real~~
19 ~~property, the bail agent shall not accept the document unless it indicates on its face~~
20 ~~that it is executed as part of a security transaction. If the document is recorded, the~~
21 ~~bail agent or any surety insurer having possession of the document shall,~~
22 ~~immediately after the bail agent or surety insurer receives a request for return of the~~
23 ~~collateral from the person who executed the document:~~

24 ~~— (a) Determine whether the bail agent or surety insurer has received notice that~~
25 ~~the obligation for which the document was accepted is discharged; and~~

26 ~~— (b) If the obligation has been discharged, reconvey the real property by~~
27 ~~delivering a deed or other document of conveyance to the person or to the heirs of~~
28 ~~the person, legal representative or successor in interest. The deed or other document~~
29 ~~of conveyance must be prepared in such a manner that it may be recorded.~~

30 4. If a judgment of default on an order of forfeiture is entered by a court
31 against the surety insurer pursuant to NRS 178.514, and payment of the forfeited
32 bond is collected by the court or governmental agency, the surety insurer or bail
33 agent may reimburse itself from the collateral received in a bail transaction for
34 the amount forfeited to the court or governmental agency. If the ~~amount~~ value
35 of any ~~the~~ collateral ~~received in a bail transaction~~ exceeds the amount of ~~any~~
36 ~~bail forfeited by the defendant for whom the collateral was accepted, the bail agent~~
37 ~~or any surety insurer having custody of the collateral shall, immediately after the~~
38 ~~bail is forfeited, at the judgment, of default on an order of forfeiture entered by~~
39 ~~a court against the surety insurer pursuant to NRS 178.514, the surety insurer or~~
40 ~~bail agent on behalf of the surety insurer~~ shall immediately, within 10 days,
41 return to the person who deposited the collateral the amount by which the collateral
42 exceeds the amount of the bail forfeited. Any collateral returned to a person
43 pursuant to this subsection is subject to a claim for fees, if any, owed to the bail
44 agent returning the collateral.

45 5. If a bail agent accepts physical possession of collateral, the bail agent shall
46 immediately give a written receipt for the collateral. The receipt must include in
47 detail a full account of the collateral received ~~it~~, including, without limitation, the
48 reasonable value and physical location of the collateral. If collateral is accepted
49 in any form other than by physical possession, the bail agent shall comply with
50 any other applicable law or regulation concerning the collateral, including,
51 without limitation, the requirements of NRS 104.9101 to 104.9717, inclusive.

Sec. 37. NRS 697.325 is hereby amended to read as follows:

697.325 1. *A surety insurer or bail agent may, at any time before the surety insurer is discharged ~~from its obligation to the court or governmental agency,~~ authorize the defendant to be apprehended and surrendered to the custody of the court or governmental agency by a bail enforcement agent pursuant to section 9 of this act. Before ~~causing~~ authorizing the defendant to be apprehended, the surety insurer or bail agent must provide to the bail enforcement agent:*

(a) *Written authorization to apprehend and surrender the defendant indicating ~~good cause~~ the reason for his or her apprehension and surrender; and*

(b) *A copy of the bail bond.*

2. *A surety insurer or bail agent may not ~~hire~~ employ or contract with a bail enforcement agent for any purpose other than to apprehend and surrender the defendant to a court or governmental agency.*

3. *A bail enforcement agent may not apprehend a defendant for any purpose other than to surrender the defendant to a court or governmental agency ~~pursuant to this chapter.~~*

4. *After apprehending a defendant in this state, a ~~bail agent or~~ bail enforcement agent shall, immediately or without undue delay, notify in person or by telephone the local law enforcement agency of the jurisdiction in which the defendant was apprehended of:*

(a) *The identity of the defendant;*

(b) *The identity of the bail ~~agent or bail~~ enforcement agent ~~and~~ the surety insurer and bail agent authorizing the surrender of the defendant; and*

(c) *Where the ~~bail agent or~~ bail enforcement agent is taking the defendant to surrender the defendant into custody.*

~~2. Before forcibly entering an inhabited dwelling~~

5. *After apprehending a defendant in this state, a ~~bail agent or~~ bail enforcement agent shall ~~notify the local law enforcement agency of the jurisdiction in which the dwelling is located.~~*

~~3. A bail agent or bail enforcement agent who violates the provisions of this section is guilty of a misdemeanor.~~

4. *As used in this section, "inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides; , without undue delay, transport the defendant to the nearest jail or facility of a law enforcement agency or arrange for the transport of the defendant by the appropriate law enforcement agency.*

6. *~~If a county sheriff accepts custody of the defendant, the sheriff shall require a certified copy of the bail bond which indicates:~~*

~~(a) That the bail enforcement agent was authorized to apprehend and surrender the defendant; and~~

~~(b) The good cause for which apprehension and surrender existed.~~

7. *The certified A copy of the bail bond all documents provided to a ~~county sheriff pursuant to subsection 6~~ law enforcement agency or other governmental agency must be filed by the bail enforcement agent with the Commissioner of Insurance within 10 days after the surrender, together with a statement concerning the surrender which includes, without limitation, the information required on Form M-8C, available from the Commissioner of Insurance.*

~~8. A bail enforcement agent who apprehends a defendant in this State or any other jurisdiction acts ~~as an agent for~~ on behalf of the surety insurer ~~for~~~~

~~and bail agent and is not acting for or on behalf of this State or any of its political subdivisions. A sheriff is not liable for any acts of a bail enforcement agent unless the sheriff acts with gross negligence in accepting custody of the defendant and failing to require a certified copy of the bail bond.~~

Sec. 38. NRS 697.330 is hereby amended to read as follows:

697.330 ~~If a bail agent or bail solicitor, without good cause, surrenders a defendant to custody before the time specified in the undertaking of bail or the bail bond for the appearance of the defendant, or before any other occasion where the presence of the defendant in court is lawfully required, the premium is returnable in full.~~

~~1. A surety insurer or bail agent in possession of the written authorization of the surety insurer to apprehend and surrender a defendant may authorize a bail enforcement agent to apprehend and lawfully surrender the defendant after an order of forfeiture has been prepared and signed by the court but before the court has entered a judgment of default on the order of forfeiture. The surety insurer or bail agent in possession of the written authorization of the surety insurer who authorizes the apprehension and surrender of a defendant pursuant to this subsection must file with the Division the written authorization of the surety insurer attached to a certified copy of the order of forfeiture issued by the court.~~

~~2. If a defendant is apprehended or surrendered to a court without written authorization or good cause, the bail transaction is deemed to be cancelled and the premium and any associated collateral must be returned in full.~~

~~3. 2. A surety insurer or bail agent on whose authorization a bail enforcement agent apprehends and surrenders a defendant is liable for any act or omission of the bail enforcement agent in apprehending and surrendering the defendant.~~

Sec. 39. NRS 697.340 is hereby amended to read as follows:

697.340 1. A bail agent, general agent or bail solicitor shall not:

(a) Suggest or advise the employment of or name for employment any particular attorney to represent his or her principal.

(b) Solicit business in or about any place where prisoners are confined or in or about any court.

(c) Pay a fee or rebate or give or promise anything of value to any person in order to secure a settlement, compromise, remission or reduction of the amount of any undertaking or bail bond.

(d) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services *not related to a defendant and* actually rendered.

(e) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.

(f) Participate ~~in the capacity of~~ as an attorney at a trial or hearing of a ~~person on~~ defendant whose bail bond ~~the~~ is executed by a bail agent ~~general agent or bail solicitor is surety~~ *or on behalf of a surety insurer with whom the bail agent, general agent or bail solicitor is associated*, except for the purposes of surrendering the defendant, making motions to set aside orders of bail forfeitures and motions to exonerate bails and protecting his or her financial interest in ~~such~~ a bond.

(g) Allow an attorney or paralegal to advertise his or her services through the bail agent, general agent or bail solicitor or through his or her place of business.

(h) Pay any referral fee or commission to a person not licensed pursuant to this chapter.

(i) Use any form or preprinted agreement that has not been approved for use by the Commissioner pursuant to NRS 697.130.

(j) ~~Use~~ Except as authorized by this chapter, use any form or document, including, without limitation, an agreement, power of attorney, authorization, waiver or promissory note, that gives a bail agent, bail enforcement agent, bail solicitor or general agent authority over a person's finances, ~~except as authorized by this chapter,~~ real property, personal property or other assets, or that otherwise creates a conflict of interest with the licensee's fiduciary obligation to the defendant or indemnitor of the bail transaction.

(k) Initiate contact with, or otherwise solicit business from, any relative or friend of a person who is in jail or by using an arrest list.

(l) Seek or accept a charge for renewal of a bail bond that has already been executed.

(m) Finance or charge a fee or interest for the one-time charge of 15 percent of the amount of the bail bond or \$50, whichever is greater, pursuant to paragraph (a) of subsection 1 of NRS 697.300.

2. The following persons may not be bail agents, bail enforcement agents, ~~or~~ bail solicitors or general agents and shall not, directly or indirectly, receive any benefits from the execution of any bail bond:

(a) Jailers;

(b) Police officers;

(c) Justices of the peace;

(d) Municipal judges;

(e) Sheriffs, deputy sheriffs and constables;

(f) Any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners; and

(g) Trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

3. Only a bail agent appointed by a surety insurer may sign a bail bond on behalf of the surety insurer. A bail bond may be signed only at the time the bail bond is executed. A bail agent shall not sign ~~for countersign~~ in blank any bail bond, or ~~give~~ assign the power of attorney issued by the surety insurer to ~~the bail agent,~~ or otherwise authorize ~~the~~ anyone to ~~countersign~~ sign the name of the bail agent to bail bonds . ~~unless the person so authorized is a licensed agent directly employed by the agent giving the power of attorney.~~

4. A bail agent, bail enforcement agent, bail solicitor or general agent shall not advertise or hold himself or herself out to be a surety ~~insurance company~~ insurer.

5. A bail agent, bail solicitor or general agent shall not participate in the apprehension or surrender of a defendant other than to execute any required forms and documents related to the apprehension and surrender of the defendant.

6. A bail agent must execute the bail bond with the court or governmental agency within 3 business days after a bail transaction is executed with the indemnitor.

Sec. 40. NRS 697.350 is hereby amended to read as follows:

697.350 A bail agent shall justify the suretyship of the bail agent by attaching a copy of the power of attorney issued to the bail agent by the surety insurer to each bail bond. ~~A bail agent executing a bail bond is acting on behalf of the surety insurer in a bail transaction at all times.~~

Sec. 41. NRS 697.360 is hereby amended to read as follows:

697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:

1. Chapter 679A of NRS.

2. Chapter 679B of NRS.
 3. NRS 683A.261.
 4. NRS 683A.301.
 5. ~~4. NRS 683A.311.~~
 6. ~~5. NRS 683A.331.~~
 7. ~~6. NRS 683A.341.~~
 8. ~~7. NRS 683A.361.~~
 9. ~~8. NRS 683A.400.~~
 10. ~~9. NRS 683A.451.~~
 11. ~~10. NRS 683A.461.~~
 12. ~~11. NRS 683A.480.~~
 13. ~~12. NRS 683A.500.~~
 14. ~~13. NRS 683A.520.~~
 15. ~~14. NRS 686A.010 to 686A.310, inclusive.~~
 16. ~~15. NRS 686A.330 to 686A.520, inclusive.~~
 17. ~~16. NRS 687B.130.~~
 18. ~~17. NRS 687B.140.~~

Sec. 42. NRS 697.370 is hereby amended to read as follows:

1. *The Commissioner may take administrative action for a violation of any provision of this chapter and any regulations adopted pursuant thereto, including, without limitation, placing a licensee on probation, suspending or revoking a license, ~~and~~ imposing an administrative fine ~~of not more than \$10,000 for each violation and ordering restitution for any money or property improperly received, obtained or held as a result of such a violation.~~*

2. The Commissioner may inform the appropriate district attorney of any violation of any provision of this chapter.

3. In addition to any other penalty provided in this chapter any person violating any provision of this chapter is guilty of a misdemeanor.

4. *A person aggrieved by any act of the Commissioner may request a hearing pursuant to NRS 679B.310.*

Sec. 42.5. *Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:*

A bail agent shall not act as an attorney-in-fact for a surety insurer, as defined in section 7 of this act, on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the bail agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each surety insurer, as defined in section 7 of this act, which the bail agent represents as bail agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the bail agent is licensed by the Commissioner.

Sec. 43. NRS 178.504 is hereby amended to read as follows:

178.504 1. Every surety ~~except a corporate surety which is approved insurer.~~ surety insurer as ~~provided by law.~~ *defined in section 7 of this act*, shall justify by affidavit and may be required to describe in the affidavit:

(a) The property by which the surety ~~insurer~~ proposes to justify and the encumbrances thereon;

(b) The number and amount of other bonds and undertakings for bail entered into by the surety ~~insurer~~ and remaining undischarged; and

(c) All other liabilities.

2. No bail bond shall be approved unless the surety ~~(insurer)~~ thereon appears to be qualified.

3. A ~~(corporate)~~ surety ~~[that is authorized to transact insurance in this State pursuant to chapter 680A of NRS]~~ insurer, as defined in section 7 of this act, is a sufficient surety for all courts and shall be deemed to be qualified for purposes of this section.

Sec. 44. NRS 178.526 is hereby amended to read as follows:

178.526 1. For the purpose of surrendering a defendant, a surety ~~†~~ insurer or bail agent, at any time before the surety insurer is finally discharged, and at any place within this State, may, by ~~†~~:

~~—(a) Written~~ written authorization for the ~~(arrest)~~ apprehension of the defendant indicating ~~(good cause)~~ the reason for apprehension attached to a copy of the ~~(undertaking; or~~

~~—(b) A written authority endorsed on a certified copy of the undertaking;~~
~~→~~ bail bond, cause the defendant to be ~~(arrested)~~ apprehended by a ~~(bail agent or)~~ bail enforcement agent who is licensed pursuant to chapter 697 of NRS.

2. A bail ~~(agent or bail)~~ enforcement agent who ~~(arrests)~~ apprehends a defendant in this State or any other jurisdiction is not acting for or on behalf of this State or any of its political subdivisions.

Sec. 45. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,

1 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
2 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,
3 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,
4 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
5 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
6 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265,
7 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
8 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405,
9 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,
10 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220,
11 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090,
12 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
13 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
14 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
15 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,
16 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430,
17 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,
18 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
19 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
20 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
21 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
22 **697.250**, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600,
23 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
24 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
25 confidential, all public books and public records of a governmental entity must be
26 open at all times during office hours to inspection by any person, and may be fully
27 copied or an abstract or memorandum may be prepared from those public books
28 and public records. Any such copies, abstracts or memoranda may be used to
29 supply the general public with copies, abstracts or memoranda of the records or
30 may be used in any other way to the advantage of the governmental entity or of the
31 general public. This section does not supersede or in any manner affect the federal
32 laws governing copyrights or enlarge, diminish or affect in any other manner the
33 rights of a person in any written book or record which is copyrighted pursuant to
34 federal law.

35 2. A governmental entity may not reject a book or record which is
36 copyrighted solely because it is copyrighted.

37 3. A governmental entity that has legal custody or control of a public book or
38 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
39 receive a copy of a public book or record on the basis that the requested public
40 book or record contains information that is confidential if the governmental entity
41 can redact, delete, conceal or separate the confidential information from the
42 information included in the public book or record that is not otherwise confidential.

43 4. A person may request a copy of a public record in any medium in which
44 the public record is readily available. An officer, employee or agent of a
45 governmental entity who has legal custody or control of a public record:

46 (a) Shall not refuse to provide a copy of that public record in a readily
47 available medium because the officer, employee or agent has already prepared or
48 would prefer to provide the copy in a different medium.

49 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
50 the copy of the public record and shall not require the person who has requested the
51 copy to prepare the copy himself or herself.

52 **Sec. 45.5. NRS 697.270 is hereby repealed.**

53 **Sec. 46.** This act becomes effective:

- 1 1. Upon passage and approval for the purpose of adopting any regulations and
2 performing any other preparatory administrative tasks necessary to carry out the
3 provisions of this act; and
- 4 2. On January 1, 2018, for all other purposes.

TEXT OF REPEALED SECTION

697.270 Registration of bail agents. A bail agent shall not act as an attorney-in-fact for an insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the agent resides, and the bail agent may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each insurer which the bail agent represents as agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.