

# STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES

## DIVISION OF INSURANCE

1560 Broadway, Suite 850  
Denver, Colorado 80202



### Regulation 1-2-14

## CONCERNING BAIL BONDING AGENT RECORD KEEPING, REPORTING REQUIREMENTS AND DAILY BOND REGISTER

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### **Section 1 Authority**

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 12-7-102(3), 12-7-105, and 12-7-108, C.R.S.

### **Section 2 Basis And Purpose**

The purpose of this regulation is to establish the requirements for a current and up-to-date bond register, prenumbered receipts, executed agreement and disclosure statements pursuant to the newly enacted statutory provision in § 12-7-108, C.R.S. (2004).

This regulation replaces Emergency Regulation 04-E-6 effective July 1, 2004, Emergency Regulation 04-E-8, effective July 23, 2004, and Emergency Regulation 04-E-11, effective October 21, 2004.

### **Section 3 Applicability And Scope**

This regulation shall apply to all cash bonding agents, professional cash bail agents, and surety agents that write bail bonds in the state of Colorado. Effective July 1, 2004, Bulletin 14-00, is no longer valid, although the annual report due no later than November 1, 2004 for the period of July 1, 2003 through June 30, 2004 should be completed using the form provided in Bulletin 14-00.

## **Section 4      Definitions**

As used in this regulation, and unless the context requires otherwise:

- A.      "Bail bonding agent" means any person who furnishes bail for compensation in any court or courts in this state and who is appointed by an insurer to execute or countersign bail bonds in connection with judicial proceedings and who is other than a full-time salaried officer or employee of an insurer or a person who pledges United States currency, a United States postal money order, a cashier's check, or other property as security for a bail bond in connection with a judicial proceeding, whether for compensation or otherwise and licensed as a surety agent, a cash bonding agent or professional cash bail agent as defined in § 10-2-407(1)(f), C.R.S.
- B.      "Bail insurance company" or "surety company" means an insurer as defined in section 10-1-102(13), C.R.S. engaged in the business of writing bail appearance bonds through bail bonding agents, which company is subject to regulation by the Division of Insurance in the Department of Regulatory Agencies.
- C.      "Daily bond register" means the current and up-to-date bond register required by § 12-7-108(3), C.R.S. that identifies every executed bond or undertaking taken by the bail bonding agent using the form attached in Appendix A.
- D.      "Disclosure statement" means the form describing how collateral may be returned, how collateral may be used or forfeited and the physical address to which a copy of the court order releasing the bond shall be delivered. The Disclosure Statement must be in the form attached in Appendix C.
- E.      "Executed agreement" or "indemnity agreement" means the agreement whereby the bail bonding agent agrees to post bond for a defendant. Such agreement shall have the name, address, phone number and license number of the bail bonding agent preprinted or stamped on the form and must contain the following information: amount of bail set in the case, the name of the defendant to be released on the bond, the court case number, the court in which the bond is executed, the premium charged and the amount and type of collateral held by the bail bonding agent and the conditions under which the collateral will be returned.
- F.      "Permanent office records" means records of all bail bonds the bail bonding agent executes or countersigns, executed copies of the Disclosure Statement, executed agreement/indemnity agreement and prenumbered receipt for each bond undertaking, the Daily Bond Register and any other records pertaining to transactions made under the bail bonding agent's license.
- G.      "Prenumbered receipt" means a preprinted or stamped, sequentially numbered receipt, containing the following information: date the money or other consideration is received by the bail bonding agent (including any premium paid or collateral received), name of the defendant, a description of the consideration or amount of money received, the purpose for which the consideration or money was received, the number of the bail insurance company power-of-

attorney form attached to the bond (if applicable/available), the penal sum of the bond, the name of the indemnitor, and the terms under which the money or other consideration shall be released.

## **Section 5      Rules**

### **A.      DAILY BOND REGISTER**

Each bail bonding agent shall maintain a current and up-to-date Daily Bond Register that identifies every executed bond or undertaking taken by the bail bonding agent, in the form prescribed in Appendix A, as part of their permanent office records. The form contained in Appendix A shall also be used for the annual report to the Division required by § 12-7-105, C.R.S. Annual reports covering the twelve-month period of July 1 of the prior calendar year through June 30 of the current calendar year are due no later than November 1 of each year, and must include the affidavit in Appendix B.

### **B.      PRENUMBERED RECEIPTS**

Each bail bonding agent shall use preprinted or stamped, sequentially numbered receipts whenever money or any other consideration for a bond or undertaking is received by the bail bonding agent. The number of each prenumbered receipt must be entered in the Daily Bond Register in sequential order. Each prenumbered, sequentially numbered receipt shall contain the information listed in the definition section above. The original prenumbered receipt must be signed and dated by a bail bonding agent and given to the defendant or third party indemnitor and a duplicate copy retained in the bail bonding agent's permanent office records. Bail bonding agents shall account for all of the prenumbered receipts in the Daily Bond Register, whether they were issued, destroyed or otherwise not used by the bail bonding agent.

### **C.      EXECUTED AGREEMENT**

Each original executed agreement/indemnity agreement shall have the name, address, phone number and license number of the bail bonding agent preprinted or stamped on the form. The original agreement must be maintained in the agent's permanent office records and a duplicate copy must be provided to the defendant or third party indemnitor. The executed agreement must be signed and dated by the bail bonding agent and the defendant or third party indemnitor.

### **D.      DISCLOSURE STATEMENT**

The original Disclosure Statement, in the format contained in Appendix C, must be provided to the defendant or third party indemnitor for each bond posted with a duplicate maintained in the agent's permanent office records. The Disclosure Statement must be signed and dated by the bail bonding agent and the defendant or third party indemnitor.

### **E.      PERMANENT OFFICE RECORDS**

Pursuant to § 12-7-108(4), C.R.S. (2004), permanent office records must be maintained by each bail bonding agent for every undertaking taken or bond written under the bail bonding agent's

license for three years immediately after the release of the bond or if collateral and/or promissory note taken, three years after the return of the collateral to the defendant or third party indemnitor or notice to the defendant or third party indemnitor that the terms of any promissory note have been satisfied. Proof of notice shall consist of, at a minimum, a signed release by the defendant or third party indemnitor that they received the promissory note marked paid by the bail bonding agent. Such notice shall be part of the agent's permanent office records. Bail bonding agents' permanent office records shall be open and available for inspection by the Commissioner or the Commissioner's designee upon reasonable notice during normal business hours.

**Section 6. Enforcement**

Noncompliance with this regulation is a violation of §§ 10-3-1103, 10-3-1104, 10-3-1107, 10-2-801(1)(c), 12-7-106(1)(b) and 12-7-108, C.R.S., and subject to the sanctions specified in §§ 10-3-1108, 10-2-804 and 12-7-106, C.R.S., including the imposition of fines and the suspension or revocation of the bail bond license.

**Section 7. Severability**

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of the regulation shall not be affected.

**Section 8. Effective Date**

This regulation is effective December 1, 2004

**Section 9. History**

Originally issued as Emergency Regulation 04-E-6, effective July 1, 2004.  
Emergency Regulation 04-E-8, effective July 23, 2004.  
Emergency Regulation 04-E-11, effective October 21, 2004.  
Regulation 1-2-14, effective December 1, 2004.

APPENDIX B



**AFFIDAVIT**

**Yearly report July 1, 200 \_\_\_\_\_ through June 30, 200 \_\_\_\_\_**

**BAIL BONDING AGENT NAME: \_\_\_\_\_**

**STATE OF COLORADO**

**County of \_\_\_\_\_ ss.**

I, \_\_\_\_\_, being first duly sworn, state that this report, is a complete, true and correct statement of my activities as a Bail Bonding Agent for the stated period.  
*(TYPEWRITTEN NAME OF BAIL BONDING AGENT)*

I understand that any false, incomplete or deceptive representation herein constitutes good and sufficient cause for revocation of my producer license by the Colorado Division of Insurance.

I authorize any person to disclose to the Colorado Division of Insurance any information regarding bail bonds written by me and collateral accepted by me.

\_\_\_\_\_  
*SIGNATURE OF BAIL BONDING AGENT*      *LICENSE NUMBER*

\_\_\_\_\_  
*DATE*

<p>Subscribed and sworn to before me this</p> <p>_____ day of _____ (Year)</p> <p>My Commission Expires: _____</p> <p>_____ NOTARY PUBLIC</p>
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**APPENDIX C  
DISCLOSURE STATEMENT**

(PREPRINTED or STAMPED NAME OF THE BAIL BONDING AGENT)  
(PHYSICAL ADDRESS AND PHONE NUMBER OF THE BAIL BONDING AGENT OR AGENT FOR SERVICE OF PROCESS FOR DELIVERY OF THE BOND DISCHARGE)

Surety Company Name and address (if applicable): \_\_\_\_\_

Phone number of Surety Co.: \_\_\_\_\_

POA # from Surety Co. (if applicable/available) \_\_\_\_\_

Name of the Defendant: \_\_\_\_\_

Amount of Bail: \_\_\_\_\_

Amount of Premium Charged: \_\_\_\_\_

Name of Third Party Indemnitor: \_\_\_\_\_

Amount of Collateral: \_\_\_\_\_

Description of Collateral: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Court in which the bond is executed: \_\_\_\_\_

**RE: COLLATERAL**

In order to receive a return of your collateral from your bail bonding agent **you must deliver a copy of the court order resulting in a release of the bond by the court to the bail bonding agent or the surety company.** Pursuant to § 12-7-109(1)(d.5), C.R.S., your collateral must be returned within ten working days of such delivery to your bail bonding agent or the surety company. Pursuant to § 16-4-104(3)(a)(IV), C.R.S., your reconveyance of title, certificate of discharge, or a full release of any lien shall be provided within 30 days after receiving notice that the time for appealing an order that exonerated the bail bond has expired.

Bail bonding agents are regulated by the Colorado Division of Insurance. TO ENSURE THE PROMPT RETURN OF YOUR COLLATERAL, THE DIVISION RECOMMENDS YOU HAND DELIVER THE COURT'S BOND DISCHARGE/BOND RELEASE TO THE BAIL BONDING AGENT. GET A RECEIPT FROM THE BAIL BONDING AGENT SHOWING THE DATE YOU DELIVERED THE DISCHARGE/RELEASE. If you deliver the bond discharge/release to the bail bonding agent by mail, it is suggested to use certified mail, return receipt requested, with another certified mail copy to the Surety Company. YOU SHOULD RETAIN A COPY OF ALL DOCUMENTS RELATED TO THIS BAIL BOND. Please go to the Division's website at [www.dora.state.co.us/insurance](http://www.dora.state.co.us/insurance) and click on the tab on the left of the web page titled "bail bonding information", scroll down and click on "a publication on Bail Bond" scroll down and click on "Your Guide to Bail Bonds in Colorado" for more information on your rights as a consumer.

Pursuant to § 12-7-108(1)(a), C.R.S. (2004) enacted in House Bill 04-1260, the bail bonding agent, with your consent, may use your collateral to secure the following obligations:

- compliance with the bond issued on behalf of the defendant (which may include costs associated with recovering the defendant should the defendant fail to appear for any court appearance associated with this bond if the court revokes the defendant's bond);
- any balance due on the premium, commission, or fee for the bond; and
- any related costs incurred by the agent as a result of issuing the bond.

READ YOUR EXECUTED AGREEMENT WITH THE BAIL BONDING AGENT CAREFULLY. BE SURE YOU UNDERSTAND ALL OF THE TERMS YOU ARE AGREEING TO.

I have read and understood this Disclosure Statement and consent that the bail bonding agent in this matter may use my collateral to secure the above obligations.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of defendant or third party indemnitor**

I certify that the terms of this Disclosure Statement as it pertains to collateral are not inconsistent with the Executed Agreement/Indemnity Agreement in this matter.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of the bail bonding agent**