

BAIL BONDS INFORMATION

(SDCL 58-22)

All bail bondspersons (surety bondspersons, professional bondspersons, or property bondspersons) must meet the following qualifications:

1. Individuals only are to be licensed. (SDCL 58-22-5)
2. Must be a citizen of the United States. (SDCL 58-22-6)
3. Must be at least 21 years of age. (SDCL 58-22-6)
4. Must have resided in the state of South Dakota for the preceding year. (SDCL 58-22-6).
5. Must pass examination – in the event of failure, one year must intervene before re-examination. Contact Insurance Testing Corporation, 1360 Energy Park Drive, Second Floor, St. Paul, MN 55108-5252, (800) 864-8373 for exam information and registration. (SDCL 58-22-16)
Suggested study material: Title 58, Chapter 22 of South Dakota Codified Laws, the General Insurance outline in the study manuals, a bond manual from the insurer and a bail bond policy.
6. Must actively engage in the bail bond business. (SDCL 58-22-6)
7. Cannot have been convicted of, or pled guilty or nolo contendere to, a felony or any crime involving moral turpitude. (SDCL 58-22-6)

The following persons or classes may not be bail bondspersons or runners and may not directly or indirectly receive any benefits from the execution of any bail bond: jailers, police officers, committing magistrates, magistrate court judges, sheriffs, deputy sheriffs and constables, or any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners. (SDCL 58-22-3)

DEFINITIONS

A **professional bondsperson** is any person who has been approved by the Director and who pledges cash or approved unregistered bonds as security for a bail bond in connection with a judicial proceeding and receives or is promised money or other things of value.

A **property bondsperson** is a person who pledges real or other property as security for a bail bond in a judicial proceeding and who receives or is promised money or other things of value therefore.

A **surety bondsperson** is any person who has been approved by the Director and appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings who receives or is promised money or other things of value therefore.

Application for License

1. All bail bondspersons submit the following:
 - a. Bail bond application and \$30.00 application fee. (SDCL 58-22-7)
 - b. Credential size, full face photograph of applicant. (SDCL 58-22-7)
 - c. Fingerprint cards, completed for applicant by trained law enforcement personnel. (SDCL 58-22-7 and 58-22-13)
 - d. Authorization and release form and \$24.00 check or money order made payable to SO Division of Criminal Investigation. (SDCL 58-22-14)

In conjunction with the application:

1. Surety bondsperson - submit an appointment form, properly completed by the appointing insurance company, along with \$10.00 appointment fee. The application must be submitted through the sponsoring insurance company. (SDCL 58-22-8)
2. Professional bondsperson - submit a detailed financial statement under oath, subject to same examination as prescribed by law for domestic insurers. (SDCL 58-22-10)
 - a. On or before March 1 of each year file a sworn statement listing every forfeiture of bonds, date of forfeiture, amount of forfeiture and name of court where forfeiture was made or recorded and date of payment. (SDCL 58-22-38)
 - b. A minimum of \$10,000 deposit must be made in custodial account in a qualified financial institution. The financial institution and the custodial agreement are subject to the Director's approval. The deposit requirement may be waived by the Director for persons authorized to countersign for bail bondspersons. (SDCL 58-22-24 and SDCL 58-22-37)
3. Property bondsperson- must have real or other property to pledge as security acceptable to the proper authority.

Additional Information

No bail bondsperson shall become a surety on an undertaking, unless they are licensed and have registered in the office of the sheriff in the county in which the bondsperson resides. (SDCL 58-22-25)

A surety bondsperson shall also file a certified copy of appointment by power of attorney from each insurer which the bail bondsperson represents as an agent with the sheriff. (SDCL 58-22-25).

Registration shall be performed annually on October 1. No bail bondsperson may register with the sheriff unless such bail bondsperson is currently licensed with the Director. (SDCL 58-22-25)

Any bail bondsperson who discontinues writing bail bonds, during the period for which licensed, shall notify the sheriffs with who registered and return the license to the Director for cancellation within 30 days from such discontinuance. (SDCL 58-22-26)

Every insurer shall, on or before May 1 of each year, furnish to the Director a list of all surety bondspersons appointed accompanied by a \$10 reappointment fee. (SDCL 58-22-8)

All terminations of surety bondspersons appointments shall be given to the Director and surety bondsperson. The notice to the Director shall state the reasons for the terminations and that notice has been given to the surety bondsperson. (SDCL 58-22-9)

Professional bondspersons must on or before March 1 of each year file with the Director a sworn statement listing every forfeiture of bonds during the preceding calendar year. (SDCL 58-22-38)

Each licensed bail bondsperson shall, on or before May 1 of each year, furnish to the Director a list of all runners appointed accompanied by a \$10 reappointment fee for each runner. Notice shall also be given to the Director of each appointment of additional persons or runners subsequent to the filing of the list. (SDCL 58-22-27)

All terminations of runner appointments shall be given to the Director and the runner. The notice to the Director shall state the reasons for the termination and statement that notice has been given to the runner. (SDCL 58-22-28)

A bail bondsperson may give a power of attorney to a licensed bail bondsperson to countersign his name to bonds if the power of attorney is filed with the Director. (SDCL 58-22-37)

Any person holding a license under SDCL 58-22 shall notify the Division of Insurance of a conviction or plea of guilty or nolo contendere to a felony or a crime of moral turpitude within 20 days of the conviction or plea. (SDCL 58-22-50)



Division of Insurance
124 S. Euclid Ave., 2nd Floor
Pierre, SD 57501
Tel: 605.773.3563
Fax: 605.773.5369
dlr.sd.gov/insurance

APPLICATION FOR LICENSE AS A BAIL BONDSPERSON

- 1. Full name of applicant: FIRST MIDDLE LAST
Resident address: STREET/PO BOX CITY STATE ZIP CODE
Residence past six months: STREET/PO BOX CITY STATE ZIP CODE
Business name:
Business address: (WHERE YOU WILL CONDUCT INS. BUSINESS) STREET/PO BOX CITY STATE 9-DIGIT ZIP CODE
Date of Birth: (FOR ID PURPOSES ONLY) Social Security # (RECORDS ARE ON COMPUTER BY THIS# AND ARE USED FOR ID PURPOSES ONLY)
Home Phone: Business Phone:
E-mail Address:
2. Are you a citizen of the United States? Yes No
3. How long have you been a bona fide resident of the state of SD?
4. Have you at any time been licensed as an insurance agent, bail bondsperson or runner in South Dakota?
Yes No If yes, list dates:

Have you at any time been licensed as an insurance agent, bail bondsperson or runner in any other state?
Yes No If yes, list each state and dates of licensure:

5. Have you ever been denied an insurance, bail bonds or runner license, or has your license been suspended or revoked by any state agency? Yes No If yes, list state(s), date(s), and cause(s).
6. Have you ever surrendered your license, whether voluntary or involuntary? Yes No If yes, provide a detailed explanation.
7. Have you ever been or are you currently the subject of any investigation or administrative action by any state agency? This would include Notice of Hearing, Consent Orders, Stipulation of Facts, and payment of any fines. Yes No .
If yes, list state(s), date(s), and causes. Use a separate sheet of paper if necessary.
8. Has any insurance company terminated your contract for cause? Yes No If yes, give a detailed explanation.
Use a separate sheet of paper if necessary.
9. Do you intend to actively engage in the bail bonds business? Yes No

10. Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? ("Crime" includes a misdemeanor, felony, or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence, or a fine.)
Yes No

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident
- b) a certified copy of the charging document, and
- .c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

11. Are you presently serving as a jailer, police officer, committing magistrate, justice of the peace, municipal or magistrate court judge, sheriff, deputy sheriff, or constable? Yes No

12. Do you have power to arrest? Yes No

13. Do you have anything to do with the control of Federal, State, County or Municipal prisoners? Yes No

14. Give a brief resume of experience or instruction received in the bail bond business (attach a separate sheet of paper if necessary):

15. PROFESSIONAL BONDSPERSON ONLY: Submit along with this application a detailed financial statement under oath.

16. Have you read and do you understand the provisions of the Bail Bondsperson Law which apply to the class of license for which you are applying? Yes No

17. This is an application to be licensed as: (check one) Professional Bondsperson
 Surety Bondsperson
 Property Bondsperson

I, as applicant, attest and swear that the above information is true and correct and understand that if I willfully withhold or misrepresent any factor information called for in the application form it is a Class 2 misdemeanor and could constitute grounds for revocation of my bail bonds license.

EACH BAIL BONDSPERSON IS REQUIRED, TO KEEP THE DIVISION OF INSURANCE INFORMED OF THEIR CURRENT MAILING AND/OR RESIDENT ADDRESS OR ANY CHANGE THEREOF. FAILURE TO INFORM THE DIVISION COULD RESULT IN NON-RENEWAL OF YOUR BAIL BONDS LICENSE.

Date: _____

SIGNATURE OF APPLICANT

Subscribed and sworn to before me, a Notary Public, in and for the county of _____

(SEAL)

NOTARY SIGNATURE

TYPED/PRINTED NAME OF NOTARY

My Commission expires _____

AUTHORIZATION AND RELEASE

I, _____, hereby authorize the Division of Criminal Investigation for the State of South Dakota to release to the South Dakota Division of Insurance any information concerning me contained in the criminal history record files of the Division. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilty (i.e. dismissed charges or charges that resulted in a not guilty finding). I further understand that the information may contain listings of charges that resulted in suspended imposition of sentence even though I successfully completed the conditions of said sentence and was discharged under SDCL 23A-27-17. I acknowledge that this type of information may be released even though this record is designated as "nonpublic" under the provisions of SDCL 23A-27-17.

In consideration for the Division of Criminal Investigation releasing any information concerning me contained within its criminal history record files to the South Dakota Division of Insurance, I, _____, on behalf of myself, my spouse, legal representatives, heirs, and assigns, hereby release, waive, discharge and agree to hold harmless the Division of Criminal Investigation, its officers and employees, from all liability for any claim for damages resulting from the release of this information.

Dated this day of _____, 20 _____ at _____

SIGNATURE

Witness: _____

Witness: _____