

## **BILL ANALYSIS**

H.B. 1822  
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Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In counties where the bail bond business is regulated under the Occupations Code, an individual or an insurance company may obtain a license to write bail bonds. Each license holder may be required to place security with the county and then write bonds on a prescribed ratio to the value of that security deposit. The release of this security can become an issue when an individual stops conducting business. According to interested parties, although an attorney general opinion concluded that a bail bond board had the authority to enact local rules governing a partial release of security, such boards across the state have not been uniform in recognizing this right, setting up local rules authorizing the right, or establishing procedures for the release of partial security.

H.B. 1822 seeks to address this issue by specifically authorizing a partial release of security when the amount of security remaining would meet certain requirements.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1822 amends the Occupations Code to remove the requirements that the holder of a bail bond surety license must meet to be eligible to withdraw the security deposited or executed by the license holder for the return of the bond to the license holder or the license holder's heirs or assigns and removes a provision establishing the amount of the security to be returned to the license holder. The bill authorizes a license holder to withdraw a portion of the security deposited or executed, as an alternative to withdrawing the entire security, and authorizes a license holder who is in good standing to make either such withdrawal if the amount of the security remaining after the withdrawal is at least the minimum amount required by provisions in law relating to security requirements for bail bond surety licenses and is an amount sufficient to maintain the ratios required by provisions in law relating to bail bond limits and additional security. The bill authorizes the former holder of a bail bond surety license who has ceased to engage in the bonding business, or a former license holder's heir or assign, to make either such withdrawal, provided that the amount of the security remaining after the withdrawal is sufficient to pay any outstanding judgments and secure any unexpired obligation on a bail bond executed by the former license holder. The bill authorizes a county bail bond board to adopt rules to limit the number of times in a year security may be returned to a license holder under the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2011.