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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

Adair Sankoff, Director

October 03, 2022

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Erin K. Hunter
Insurance Commission, WV
900 Pennsylvania Ave.
9th Floor
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Bail Bondsmen in Criminal Cases, 114-103

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:

   (A) as originally filed _____

   (B) as modified by the agency _____

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. X

4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. _____

5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: adair.sankoff@wvlegislature.gov

Legislative Rule Making Review Committee

Childs 7949

CSR # 114 CSR 103

Date: 10/3/2022

Delegates Graves on the Legislative Rule Making Review Committee moved to amend the rule on page 1, section 2, by striking from the text of section 2.4.1 the words "also referred to as "surety bondsmen.""";

On page 1, section 2, by striking from the text of section 2.4.2 the words "also referred to as "professional bondsmen.""";

On page 2, section 2, by striking out the text of section 2.9 in its entirety and inserting in lieu thereof the following text: "2.9. "Professional bondsman" means any person who has been approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, or real estate with the Commissioner as security for bail bonds written in connection with a judicial proceeding, and charges, receives or is promised money or other things of value in exchange for his or her services.";

On page 2, section 2, by striking out the text of section 2.10 in its entirety and inserting in lieu thereof the following text: "2.10. "Securities" or "approved securities" means cash, an irrevocable letter of credit, an annuity purchased through an insurance company licensed and in good standing in this State, a bond issued by an insurance company licensed and in good standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer

underwriting agreement, or real estate located in this State that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth in this rule.";

On page 2, section 2, by striking out the text of section 2.11 in its entirety and inserting in lieu thereof the following text:

"2.11. "Surety bondsman" means a person who:

2.11.1. Has been approved and licensed by the Commissioner as an insurance producer with a property and casualty line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer through a qualified power of attorney in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services; or

2.11.2. Posts approved security by providing the Commissioner with a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement and being approved and licensed by the Commissioner as an insurance producer with a limited lines surety line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in connection with judicial proceedings and charges, receives or is promised money or other things of value in exchange for his or her services."

And,

On page 3, section 3, by striking from the text of section 3.2.1.b the words "is a licensed insurance producer with a property and casualty line of authority, and".