

**HIDALGO COUNTY BAIL BOND BOARD
APPLICATION FOR BAIL BOND LICENSE
INSTRUCTIONS**

COMPLETED APPLICATIONS MUST BE MAILED OR DELIVERED TO:

Norma G. Garcia
Hidalgo County Bail Bond Board Secretary
2810 South Business Hwy. 281
Edinburg, Texas 78539-6243

- Please Note that the applications must be received thirty (30) days before the next regular meeting to be considered for approval.
- Please submit the **ORIGINAL APPLICATION** with all original information requested **PLUS** the **Twelve (12) COPIES** of all original documentation for individual consideration by each board member.
- Incomplete applications will not be considered by the board.
- Financial information must be included with the application.
- Appraisals must be performed by an approved appraiser (see list).
- Applicant must submit a nonrefundable processing fee of \$500.00.

INSTRUCTIONS UPON APPROVAL

Upon notice from the Hidalgo County Bail Bond Board that this Application has been conditionally approved, the applicant shall then:

1. Deposit with the Hidalgo County Treasurer, on a deposit warrant supplied by the Hidalgo County Treasurer, either a certified cashier's check or a certificate of deposit made payable to Hidalgo County Treasurer, Trustee for _____ d/b/a _____, _____ in the amount of \$50,000.00 dollars; or

(e.g.) Hidalgo County Treasurer, Trustee for ABC Insurance Company
d/b/a Pronto Bail Bond Co., John Doe, agent.

2. Execute in trust to the Hidalgo County Sheriff, a deed to nonexempt real estate property of the value as determined by the Hidalgo County Bail Bond Board, of not less than \$50,000.00. The condition of the trust being that the property may be sold to satisfy any forfeitures of any bonds, executed by the applicant after such notice and upon such conditions as are provided in the Texas Occupations Code Chapter 1704 as amended by the Texas Bail Bond Fairness Act of 2001. A statement from the spouse must be attached.

HIDALGO COUNTY BAIL BOND BOARD

APPLICATION CHECK LIST

The attached application for Original or Renewal License must be completely filled out. The items listed below should be returned to the Secretary of the Bail Bond Board. The application will not be considered if it is incomplete or has not been on file with the Secretary of the board at least thirty (30) days prior to the Bail Bond Board's monthly meeting.

NAME OF APPLICANT _____ DATE SUBMITTED _____

NAME OF BUSINESS _____ INDIVIDUAL [] CORPORATION []

Please attach this form to the front of the application package and indicate the items submitted.

	APPLICANT USE	OFFICE USE ONLY
1. APPLICATION. Must be completed and notarized. [1704.154 (a)]	[]	[]
2. COLLATERAL. Cash/CD/Certified check or real estate property. (Circle One) Valuing \$50,000.00 If Cash/CD/ certified check: List amount _____ Certificate of Deposit [1704.154 (b) 2 (E) and 1704.160 (b), (c) & (d)] If Real estate:	[]	[]
Describe each property	Date of appraisal	Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
[1704.155 (1)]		
3. CURRENT TAX STATEMENT Indicating that taxes have been paid on property pledged as collateral. [1704.155 (2)]	[]	[]
4. TITLE POLICY. Showing that the property is unencumbered and owned by Applicant. (Board Rules) (Original applications only)	[]	[]
5. TITLE REPORT. Showing no outstanding tax liens on property. (No new encumbrances, tax liens, judgments, etc.) (Renewal applications only) [1704.155 (2) & 1704.155 (3) B]	[]	[]

6. **CURRENT APPRAISAL ON PROPERTY.** [] []
 Appraisal prepared by a MAI, SREA or
 Appraiser approved by the Hidalgo County
 Bail Bond Board. (If renewal, must be appraised
 every four (4) years). [Board Rules]
7. **SWORN FINANCIAL STATEMENT.** [] []
 Complete sworn balanced financial statements
 on forms provided. [1704.154 (b) 4 (A)]
8. **STATEMENT AGREEING TO PAY TAXES, INSURANCE, AND NOT FURTHER ENCUMBER PROPERTY.** [] []
 Sworn statement in which Applicant will
 agree to continue to pay all taxes on
 property while in trust with the Board. Further,
 Applicant will agree to continue to pay
 insurance on property that is not vacant and will
 not further encumber the property without prior approval.
 [1704.155 (3) A,B, C; 1704.155 (4) & (5)]
9. **DECLARATION OF COMPLIANCE** [] []
 A declaration that the applicant will
 comply with *Chaper 170.154 (b) 4 (B),*
REGULATION OF BAIL BOND
SURETIES, TEXAS OCCUPATION
CODE. and the Local Rules
 as prescribed by the Bail Bond Board.
10. **LETTERS OF RECOMMENDATION.** [] []
 (THREE (3) LETTERS REQUIRED)
 [1704.154 (B) 4 (C)]
11. **FILING FEE (\$500.00).** cashiers check [] []
 a nonrefundable application filing fee
 required for original and renewal applications.
 [1704.154 (b) 4 (D)]
12. **PHOTOGRAPH OF APPLICANT.** [] []
 Photograph taken at the sheriff's
 office during background check.
(Original and Renewal Applications)
 [1704.154 (b) 4 (F)]
13. **COMPLETED FINGERPRINT CARD.** [] []
 Fingerprint Card processed at the Sheriff's
 Office during background check.
(Original and Renewal Applications)
 [1704.154 (b) 4 (F)]

14. **COMPLETED BACKGROUND CHECK.** [] []
 Completed background check showing that the Applicant does not have a criminal history as required under *Chapter 1704.153 REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATION CODE*,.
(Original and Renewal Applications)
15. **DEED OF TRUST.** Executed to the Hidalgo County Sheriff for the benefit of the Bail Bond Board which must include similar language as the sample deed of trust attached to the application, if real estate property is used as collateral. [1704.160 (a) 1 (B)] [] []
16. **PROOF OF PREVIOUS EMPLOYMENT.** [] []
 Pursuant to 1704.152 (a) 4 of the Texas Occupations Code, applicant must provide proof that he/she has one year of prior continuous work experience in the bail bond business within the previous two (2) years.
17. **CONTINUING EDUCATION REQUIREMENT.** Applicant must provide proof of completion of a Certified bail bond course of at least eight (8) hours within the previous two (2) years. [1704.152 (a) 4 (b)] [] []
18. **STATEMENT OF UNPAID JUDGMENTS** [] []
 in any County that applicant holds or has held license. [1704.154 (b) 4 (G)]

CORPORATION REQUIREMENTS

(REQUIREMENTS MUST BE MET IN ADDITION TO PREVIOUSLY MENTIONED REQUIREMENTS)

19. **CASH ONLY.** [] []
 (Corporations only)
 [1704.160 (a) 2 & Bail Bond Board Rules]
20. **POWER OF ATTORNEY.** [] []
 (Corporations only)
 [1704.211 (a)]

21. **FINANCIAL STATEMENT OF SURETY.** [] []
 Corporations must provide a (preferably audited) financial statement from the parent surety) [1704.154 (b) 4 (A)]
22. **CERTIFICATE OF AUTHORITY.** [] []
 (Corporations must provide a certificate of authority permitting the surety to transact business in Texas) [1704.152 (b) 1; 1704.154 (b) 2 (B); 1704.160 (h)]
23. **LIST OF ALL AGENTS IN HIDALGO COUNTY.** [] []
 [1704.154 (e)]
24. **LIST OF ALL UNPAID JUDGEMENTS.** [] []
 [1704.154 (b) 4 (H)]
25. **LIST OF COUNTIES IN WHICH AGENTS ARE USED BY THE CORPORATION.** [] []
 [1704.154 (b) 4 (G)]

* Completed Applications should be delivered to Norma G. Garcia, Hidalgo County Treasurer's Office, 2810 Business Hwy. 281, Edinburg, Texas 78539-6243.

BAIL BOND BOARD
APPLICANT ACKNOWLEDGMENT STATEMENT
(Compliance with application requirements)

I certify that the above listed information has been turned in to the Secretary of the Hidalgo County Bail Bond Board and I understand that the application must be on file at least thirty (30) days prior to the next scheduled meeting of the Bail Bond Board to be considered.

I further certify that I have received copies of the following:

- 1) Hidalgo County Bail Bond Board Local Rules
- 2) Hidalgo County Bail Bond Board By-Laws
- 3) Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATION CODE, which is the governing statute for bail bondsmen.

I further understand and agree that any new or renewal applications will be considered by the Hidalgo County Bail Bond Board only if the application is complete and all required supporting documentation is submitted and have been on file with the Hidalgo County Bail Bond secretary at least thirty (30) days prior to their next regular meeting. It shall be my responsibility to ensure that the renewal application is submitted on time for the Board to review and approve the renewal license prior to the current license expiring.

APPLICANT SIGNATURE

PRINT NAME

SWORN AND SUBSCRIBED TO BEFORE ME on this _____ day of _____, 20__

Notary Public, State of Texas

Print Name
My Commission Expires: _____

Do not write in this space:

License no. issued: _____
Date of Board Conditional Approval: _____
Date of Final Approval (Starting Date of License): _____

Judge Rodolfo Gonzalez, County Court-At-Law #1
Hidalgo County Bail Bond Board Chairman

Date

Norma G. Garcia, Hidalgo County Treasurer
Hidalgo County Bail Bond Board Secretary

Date

HIDALGO COUNTY BAIL BOND BOARD
APPLICATION FOR BAIL BOND LICENSE
ORIGINAL OR RENEWAL (CIRCLE ONE)

- * **Do not write in this space**
- * Approved: _____ Not Approved: _____
- * Meeting of: _____
- * Cash: _____ Real Estate: _____
- * License No. _____ License Exp. _____
- * Sole Proprietor: _____
- * Corporation Agent: _____
- * Insurance Corporation: _____

Date: _____

This is an application for ORIGINAL or RENEWAL License. (Circle One)

This application must be completely filled out and the items required by statute and local rules must be attached before submitting the application to the Secretary of the Bail Bond Board. An application will not be considered if it is incomplete or has not been on file with the Secretary of the board at least thirty (30) days prior to the Bail Bond Board's monthly meeting.

NAME OF APPLICANT _____ DATE RECEIVED _____

NAME OF BUSINESS _____ INDIVIDUAL [] CORPORATION []

1) OPERATOR OF BUSINESS

A. The name and address of the Individual who will be in charge of the bail bond business authorized by the bail bond license is _____.

 (Number and Street) (City) (County) (Phone)

B. To be filled out by Applicant. (Check One) __ Individual __ Agent.

 (Complete Name) (Residential Address)

 (Business Address) (Place of Birth) (Date of Birth)

 (Length of Residence in Texas) Phone e-mail fax

American Citizen _____ Yes _____ No

2) If Applicant is a Corporation, the following shall be attached and submitted with the application:

Name of Corporation		Phone Number
Address	City	Zip Code
Date Incorporated	State of Incorporation	Charter No.

- A. A copy of the articles of incorporation showing the date of filing with the Secretary of State, and any amendments thereto.
- B. A copy of the By-Laws.
- C. Minutes of directors' or stockholders' meetings relating to the operation of the Bail Bond business to be licensed in Hidalgo County.
- D. List of each officer, director and all employees who will process the writing of bail bonds.
- E. If applicant is a Corporation, list all the agents and their addresses authorized to write bail bonds in Hidalgo County:

Name	Address	Date Authorized
Name	Address	Date Authorized

F. If applicant is a foreign corporation, the following shall be furnished:

- 1. Name and address of the principal agents in Texas, including the counties that the Corporation is authorized to write bail bonds.

_____.

- 2. A certificate duly executed, not more than thirty (30) days before the filing of this application, by the proper officer by whom such certificate should be executed, showing that said applicant is authorized to transact business in the state of Texas.
- 3. A certificate issued by the Texas State Board of Insurance showing that applicant is authorized to do business in Texas. [1704.152 (b) 1 & 2]

3) The name under which the business will be conducted:

_____.

Please attach an "Assumed Name Certificate" Form recorded in the County Clerk's Office if applicable. Date filed: _____ Expiration Date: _____

- 4) The name and address of the place(s) where the business will be conducted and whether or not any other business is or will be conducted on the same premises and the nature of the same:

_____.

- 5) Have you ever been directly or indirectly connected with any bail bond business either licensed or unlicensed, in Texas or elsewhere in the capacity of individual owner, partner, member, officer, director or employee? Yes _____ No _____

An individual/agent must have in the two years preceding the date a license application is filed at least one year of continuous work experience in the bail bond business; and have completed at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an institution of higher education accredited by the state.

If you answered Yes, furnish dates, names of organizations, addresses, types of businesses and the nature of your connection to the business.

Date: From _____ To _____

Title (check one) Individual; Partner; Officer; Director; Employee:

Name of Business _____ Phone # _____

Contact Person: _____

Duties/Responsibilities _____

Address _____

- 6) Have you ever been directly or indirectly connected with any organization, in Texas or elsewhere, which had its application for license refused by any Federal, State or Municipal authority, or which withdrew such application to avoid a refusal, or which withdrew such application by request, or which had its license or registration suspended, canceled or revoked by such authority? Yes _____ No _____

If Yes, please furnish details.

_____.

- 7) Please list the names and addresses of any prospective employees of your company if approved.

_____.

- 8) Are you involved in any civil litigation (other than Bail Bond Forfeitures) at this time?
 Yes _____ No _____ If Yes, please give the date of the filing of such law suit and briefly describe the nature of such litigation.

_____.

- 9) Have you ever been or has any organization with which you were associated as an officer, partner, owner, employee or otherwise been involved in any voluntary or involuntary bankruptcy, receivership, or insolvency preceding? Yes _____ No _____

If Yes, please furnish details.

_____.

- 10) Have you or any of your employees or agents ever entered a plea of guilty or nolo contendere to, or been convicted of a criminal offense in this state, or any other state, or by the Federal Government other than a traffic violation? Yes _____ No _____

If Yes, please give details.

_____.

- 11) Please list cash that you have in bank accounts (savings, loans, etc.) on the first day of the month in which this application is made. (Attach additional sheet if needed)

Name of Institution	
Address of Institution	
Name of Account	
Name of Persons Authorized to Make Withdrawals	
Pledged (Yes/No)	
Cash Balance	

I have no other cash on hand in bank accounts (savings, loans, etc.) other than those I have listed.

- 12) United Stated Government Securities _____

_____.

I have no other Government Securities other than those I have listed.

13) Life Insurance (Attach additional sheet if needed)

Name of Person Insured	
Name of Insurance Company	
Address of Insurance Co.	
Policy Number	
Name of Beneficiary	
Face Amount of Policy	
Cash Value	

Total Loans Against Policy	
Amount of Yearly Premiums	
Is Policy Assigned	

14) List of Stocks and Bonds owned. (Attach additional sheet if needed)

Number of Shares	
Name of Issuing Company	
Location	
Cost Per Share	
Market Value Per Share	
Total Value	
Present Rate	
Dividend	

15) Has the applicant been a party to any contract or any other agreement whereby it granted an option to anyone to purchase any or all of its assets? Yes _____ No _____

If Yes, please furnish details.

16) Liabilities (except as shown as encumbrances on property)

	\$ _____
	\$ _____
	\$ _____
	\$ _____

I have no other liabilities other than those listed above.

17) Does the applicant have any contractual agreement, either directly, written or oral, financial or otherwise, with any person licensed to practice law in the state of Texas or with any relative of said person? Yes _____ No _____

If Yes, please furnish details.

18) Do you have any judgments pending against you? If so, how many? _____
Give the following information on each judgment. (If applicable) (Attach additional sheet if needed)

	#1	#2
County Case Number		
Defendant's Name		
Date		
Amount of Judgment		

19) Have you ever been denied or refused a license to act as bondsman in this or any other county in the last twelve (12) months? Yes _____ No _____

If Yes, please state location.

HIDALGO COUNTY BAIL BOND BOARD
 Schedule of Real Estate Property owned by Applicant

Applicant: _____

Date of Application: _____

20) Real Estate Exempt from Forced Sale (i.e. Homestead, Trust Asset) (Attach additional sheet if needed)

Legal Description	Owners Name	Physical Location Address	Purchase Price	Date Acquired	Present Market Value	Amount Owed (or other Liens)

21) Real Estate Not Exempt from Force Sale. (Attach additional sheet if needed)

Legal Description	Owners Name	Physical Location Address	Purchase Price	Date Acquired	Present Market Value	Amount Owed (or other Liens)

I Certify that the above is true and correct.

_____ Applicant Signature

_____ Date

ACKNOWLEDGEMENT STATEMENT

IN WITNESS WHEREOF the Applicant herein named had caused the foregoing application to be executed, this the ____ day, of _____, 20____, and acknowledges that all statements made therein, and supporting schedules, are made for the purpose of inducing the Hidalgo County Bail Bond Board to grant said application, and that all statements herein contained are true.

(Name of applicant or, if individual,
signature of applicant)

Print Name

NOTE:
If Corporation, Two Officers
Must sign wherever indicated.

BY: _____
(Signature of person authorized to sign
for applicant.) TITLE _____

(Signature of person authorized to sign
for applicant.) TITLE _____

STATE OF _____

COUNTY OF _____

The person(s) whose signature appears above, _____ personally appeared before the undersigned, a Notary Public in and for the above named County and State, the day and date above named, and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the applicant therein named and for the purposes therein set forth, that they are duly authorized to execute the forgoing instruments, and that the statements and representations therein contained are true and correct to the best of their knowledge and belief.

SWORN AND SUBSCRIBED TO BEFORE ME on the ____ day of _____, 20 ____.

(Signature of Notary Public)
A Notary Public In and For _____
County, State of _____

Print Name
My Commission Expires: _____

(Affix Notary Seal)

**HIDLAGO COUNTY BAIL BOND BOARD
LIST OF APPROVED REAL ESTATE APPRAISERS**

1. Any MAI or SERA certified appraiser. The following are MAI or SERA certified appraisers:

J.W. Patterson 1111 W. Pecan, McAllen, Texas (956) 686-4532

Burdette C. Prothero 4308 N. 23rd, McAllen, Texas (956) 687-9535

2. The following appraisers have come before the Board and have been approved:

Edgar Alfredo Herrera, P.O. Box 1722, Edinburg, Texas (956) 802-5508

Arturo Palacios, P.O. Box 3613, McAllen, Texas (956) 664-0073

Greg Palacios Jr., P.O. Box 3795, Edinburg, Texas (956) 287-4674

Leonel Garza III, 1419 Dove, McAllen, Texas (956) 687-7295

John W. Brooke, P.O. Box 3577, McAllen, Texas (956) 682-8373

Juan Medrano, 115 S. Westgate, McAllen, Texas (956) 968-8900

Ramon Ramos, 104 S. 12th Street, Edinburg, Texas (956) 380-0397

Robert A. Gaston, 2002 W. University, Edinburg, Texas (956) 381-0941

Be sure to ask the appraiser if they are a fully certified MAI or SERA appraiser and not merely an applicant or if they have been approved by the Hidalgo County Bail Bond Board. Obtain copy of certification and confirm certification if necessary. If you have any questions, call the Hidalgo County Treasurer's Office at (956) 318-2506.

HIDALGO COUNTY BAIL BOND BOARD

STATEMENT AGREEING TO PAY TAXES, INSURANCE, AND NOT FURTHER ENCUMBER PROPERTY

I _____ of the City of _____, County of _____ of the State of Texas, being duly and solemnly sworn by oath or affirmation, do hereby depose and say as follows:

I will pledge real estate property as collateral in lieu of cash and I _____ do agree to pay all taxes due on real estate properties while the property is in trust to the board. I will not encumber the properties while in the trust to the board without first obtaining permission from the board. I agree to obtain insurance on any improvements on the properties in the full amount of the value claimed for improvements while in the trust to the board. I further certify that the fair market value of the real estate property as computed by the appraiser is true and correct.

Signature of applicant

Print Name

STATE OF _____

COUNTY OF _____

The person(s) whose signature appears above, _____, personally appeared before the undersigned, a Notary Public in and for the above named County and State, the day and date above named, and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the applicant therein named and for the purposes therein set forth, that they are duly authorized to execute the forgoing instruments, and that the statements and representations therein contained are true and correct to the best of their knowledge and belief.

SWORN AND SUBSCRIBED TO BEFORE ME on the ____ day of _____, 20 ____.

(Signature of Notary Public)
A Notary Public In and For _____
County, State of _____

My Commission Expires: _____

DECLARATION OF COMPLIANCE

I _____ of the City of _____, County of _____ of the State of Texas, being duly and solemnly sworn by oath or affirmation, do hereby depose and say as follows:

I, _____, declare that I have read and will comply with Chapter 1704, REGULATION OF BAIL BOND SURETIES, of the TEXAS OCCUPATION CODE as amended by the Texas Bail Bond Fairness Act of 2001 and the Local Rules as prescribed by the Hidalgo County Bail Bond Board.

Signature of applicant

Print Name

STATE OF _____

COUNTY OF _____

The person(s) whose signature appears above _____ personally appeared before the undersigned, a Notary Public in and for the above named County and State, the day and date above named, and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the applicant therein named and for the purposes therein set forth, that they are duly authorized to execute the forgoing instruments, and that the statements and representations therein contained are true and correct to the best of their knowledge and belief.

SWORN AND SUBSCRIBED TO BEFORE ME on the ____ day of _____, 20 ____.

(Signature of Notary Public)
A Notary Public In and For _____
County, State of _____

My Commission Expires: _____

PERSONAL FINANCIAL STATEMENT

PERSONAL INFORMATION

FULL NAME	AGE	MARITAL STATUS <small>Complete for Secured Loans Only</small> Married Separated Unmarried-(includes single divorced or widowed)	DEPENDENTS Do Not Include Yourself	
PRESENT ADDRESS		Social Security No. / /	No.	Ages
SOURCE OF INCOME				
NAME AND ADDRESS OF EMPLOYER		ANNUAL INCOME		
Phone		Salary	\$ _____	
Position / Title		Bonus and Commission	_____	
Type of Business		Dividends and Interest	_____	
		Net Rental	_____	
		Other - Optional - See Income Remarks	_____	
		TOTAL	\$ _____	

* Income Remarks - Note: Income from Alimony, Child Support or Maintenance Payments need not be disclosed unless their consideration is desired.

SUMMARY ASSET LIABILITY STATEMENT ENTER DETAILS ON CORRESPONDING SCHEDULE INSIDE

ASSETS		LIABILITIES AND NET WORTH	
Cash and Money on Deposit	\$ _____	Notes Payable	\$ _____
Stocks and Bonds	_____	Margin Accounts	_____
Accounts and Notes Receivable	_____	Monthly Charges	_____
Cash Value Life Insurance	_____	Life Insurance Loans	_____
Deferred Compensation	_____	Unpaid Taxes	_____
Pension Funds	_____	Real Estate Mortgage / Liens	_____
Real Estate Owned	_____	Installment Loans	_____
Vehicles Owned	_____	Other Debts (itemize)	_____
Other Personal Property	_____		_____
Other Assets	_____	Total Liabilities	_____
	_____	Net Worth	_____
TOTAL ASSETS	\$ _____	Total Liabilities and Net Worth	\$ _____

AGREEMENT

The undersigned has carefully read the information contained herein and warrants it to be complete, true and correct as of the following date and may continue to rely upon this statement as continuing to be true and correct until a written notice of change is given.

APPLICANT

DATE: _____

SWORN AND SUBSCRIBED TO BEFORE ME on this _____ day of _____, _____.

Notary Public, State of Texas

Printed Name _____

My Commission Expires _____

ACCEPTED: _____

DATE: _____

Hidalgo County Bail Bond Board

HIDALGO COUNTY BAIL BOND BOARD

BY LAWS

Article I

NAME, LOCATION AND PURPOSE

The formal and official **name** of the organization is the “Hidalgo County Bail Bond Board,” hereinafter called the “Board.”

The principal office and **location** of the Board shall be directed by the Board.

The **purpose** of the Board is to implement and carry out the laws on bail bond regulation as passed by the Texas Legislature and Courts and to encourage professionalism in the local bonding industry as is clearly in the best interest of the public.

The Board shall enact local rules and regulations for the investigation, the licensing, and regulation of all bondsmen operating in Hidalgo County, Texas.

Article II

BOARD MEMBERSHIP

MEMBERSHIP

The Board shall be composed only of those individuals as authorized by Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATION, (V.T.C.A.), as amended.

Article III

NUMBER, TERM, ADVISORY RESOLUTIONS AND SELECTION; MONTHLY AND SPECIAL MEETINGS; AGENDAS; ORDER OF BUSINESS; EMERGENCY MATTERS; QUORUM; ABSENCES; LEAVES OF ABSENCE; PROXIES AND RESIGNATIONS

NAME, TERM AND SELECTION OF BOARD MEMBERS

The direction and management of the affairs of the Board and the control and disposition of its properties and funds, if any, shall be vested in the Board as authorized by law and such Board

shall consist of nine regular members. According to law, such Board membership shall be selected in three ways as follows:

1. statutorily selected by their official, elective title;
2. statutorily described uniquely special class of officials or entity self-chosen selection procedure; and/or
3. statutorily allowed by designation by elected official(s), such as Sheriff and Criminal District Attorney.

Members and permanent designees shall actively serve until duly replaced, and generally, terms should correspond with calendar years, except for good cause in unusual and unforeseen circumstances.

MONTHLY MEETINGS

The regular monthly meeting of the Board shall be held on the first (1st) Tuesday of the month at 4:30 p.m., unless a holiday, then the next working day. The purpose of the monthly meetings is to transact business as may lawfully come before the Board. It shall be the duty of the Secretary/Treasurer of the Board to give notice of such meetings by posting at the Courthouse door.

SPECIAL MEETINGS

Special meetings of the Board shall be held when the Chairman calls such meetings, giving each member of the Board at least two (2) days notice, to transact business as may lawfully come before the meeting. An agenda for the meeting shall be properly posted and distributed to each member of the Board by mail or otherwise.

AGENDA FOR MEETINGS

Matters may be placed on the agenda for any monthly meeting or special meeting by anyone by notifying the secretary/treasurer in clear writing of the matter to be placed on the agenda not later than 3:30 p.m. seven (7) days preceding the monthly meeting. No matter shall be considered by the Board unless it has been placed on the agenda or unless it is provided for hereinafter, or unless the matter is to be declared an "Emergency Matter" as hereinafter provided for in the section entitled "Emergency Matter."

ORDER OF BUSINESS

The order of business of each public monthly meeting shall be as follows:

1. Roll call of members in attendance kept as a permanent record.
2. Reading and adoption of the summarized minutes of the preceding meeting.
3. Election of officers (when appropriate).
4. Report of presiding officer and any communications.
5. Committee reports, if any.
6. Discussion and action on committee reports.

7. Miscellaneous business on agenda.
8. Old business.
9. New business.
10. Open Forum (without formal Board action).
11. Adjournment.

EMERGENCY MATTERS

The Board may declare that any item of business that is required to be set forth in writing on the agenda for the monthly meeting, or any item coming before the Board at a special meeting, constitutes an “emergency matter” and the Board can thereby waive the requirement that such matters be included on the agenda or in the notice of a special meeting, but reasons and justification therefore must be written into the summary of the minutes. To declare an “emergency” shall require a majority of the members present and/or proxies so long as a quorum is present and complies with the Open Meetings Act, except in strictly personal matters.

QUORUM FOR MEETINGS

Four members shall constitute a quorum for the transaction of business at all meetings convened according to the Hidalgo County Bail Bond Board By-Laws.

ABSENCES, LEAVES OF ABSENCE, PROXIES AND RESIGNATIONS

Regular member meeting attendance is of the essence for doing the public’s business. Three consecutive unexplained absences by members not selected by virtue of their holding elective office and not permanently replaced by a designee, such as those representing entities who chose their members and/or permanent designee, will necessitate the writing of an inquiry letter by the Board’s Chairman to their sponsoring agency requesting their replacement. However, when timely foreseen and for sufficient cause, such as illness or vacation, a member may obtain from the Chairman a written leave of absence for a definite period of time.

Also, for random absences, any member or designee can excuse his absence by using a written proxy addressed to the Board authorizing his/her vote on any matters being considered by the Board. The acceptable form of the proxy is a copy of the meeting’s agenda with the absentee’s signature, bearer or attending and voting member’s name, and how each agenda item should be voted “aye” or “nay.”

Furthermore, members with other important business to transact may depart meetings early without destroying the quorum after the completion of the ninth order of business or “New Business.”

For expressed good cause and vital circumstances beyond their control, members may submit their resignations to the Board by acceptance, except those persons automatically named to the Board by statute, with timely and proper replacement encouraged.

ARTICLE IV

ELECTION OF BOARD OFFICERS, DUTIES OF BOARD OFFICERS; VACANCIES

Election of Board Officers

The officers of the Board shall be the Chairman, Vice Chairman, and Secretary/Treasurer. Other officers may be elected as determined and selected by the Board. The Board shall elect the officers and organize at the first (1st) monthly meeting of each calendar year.

Duties of Board Officers

The **Chairman** shall preside at all meetings of the Board. He/She shall be the chief executive officer of the Board and, subject to the will of the Board, shall have general charge and supervision of the administration of the affairs and business of the Board. He/She shall see that all orders and resolutions of the Board are carried into effect. He/She shall sign and execute all legal documents and instruments in the name of the Board when authorized to do so by the Board and shall perform such duties as may be assigned him/her from time to time by the Board. The Chairman shall submit to the Board plans and suggestions for the work of the Board, shall direct its general correspondence, and shall present his/her recommendations in each issue raised before the Board for action or decision.

The **Vice Chairman** of the Board shall discharge the same duties as the Chairman in the event of absence or disability for any causes whatsoever, and shall perform such additional duties as may be directed by the Board.

The **Secretary/Treasurer** shall have responsibility for the records and correspondence of the Board under the direction of the Chairman. He/She shall give notice of and attend all meetings of the Board. He/She shall discharge such duties as shall be assigned him/her by the Chairman of the Board. In case of the absence or disability of the Secretary/Treasurer, the Board may appoint an acting secretary to perform the duties of the Secretary/Treasurer. The minutes shall be prepared by the secretary for approval of the Board at each monthly meeting unless good cause is shown. He/She shall electronically record the meeting of the Board and shall keep such record as prescribed by the Open Meetings Act. Such written summaries shall be distributed to all Board members at least seven days prior to each meeting for each member's consideration and adoption at the next regular monthly meeting. The Secretary/Treasurer shall keep account of all monies received and discharged, if any, and be prepared to report same to the Board when timely asked.

Officer Vacancies

Whenever a vacancy occurs in any office of the Board, such vacancy shall be filled by the Board by the election of a consenting regular member who shall hold such office until his successor is duly elected, qualified, and seated not later than at the first monthly meeting of the next calendar year. Such officer may succeed himself.

ARTICLE V

APPOINTIVE OFFICERS AND AGENTS

Appointed Process and Duties of Appointed Officers and Agents

The Chairman of the Board may appoint such officers, employees and agents in addition to those provided for in Article IV, as may be deemed necessary, who shall have such authority and perform such duties as shall from time to time be directed by the Board.

All appointive persons shall hold their respective positions at the pleasure of the Board and may be removed or discharged at any time with or without cause, provided that removal without cause shall not prejudice the contract rights, if any, of such persons. Appointed officers, employees and agents are not authorized to vote.

ARTICLE VI

STANDING COMMITTEES; SPECIAL COMMITTEES, RECOMMENDATIONS OF COMMITTEES

Standing Committees

The Board may appoint standing or special committees to facilitate the administration, investigations and communication of board policies, rules and regulations.

Such committees may be appointed, but not limited to the following:

Administration and Budget: To set a budget to be followed by the Board and to recommend methods of securing monies needed for general administration of bail bond board functions.

Public Relations and Education: To promote the Board's policies in the public interest. To hear grievances of any kind and nature upon receiving a formal written complaint.

License: To promulgate rules and regulations on licensing of bondsmen, including voir dire examinations of applicants, investigation of applicants, and collateral requirements.

Each standing committee shall consist of not less than one regular member of the Board appointed by the Chairman with the advice and consent of the Board. Each standing committee shall have a minimum of two committee members, all appointed by the Chairman; however, each committee shall submit a report of its activities to the Board from time to time in writing and when directed by the Board for agenda duration or remainder of the calendar year in which they are made or until such time s they are dissolved by the Board.

Special Committees

The Chairman shall appoint such special committees as are deemed necessary by the Chairman of the Board, and he will appoint their chairperson. Special committees shall consist of such members of the board as are selected by the Chairman with the advice and consent of the Board. The special committee shall be for the duration of time set forth in the appointment thereof, but in any event, will not extend beyond the end of the calendar year in which such appointment is made or until such time as it is affirmatively dissolved by the Board. Any layperson and licensed bondsmen (or their qualified agent) may serve on special committees.

Recommendation of Committees

Standing and special committees shall be advisory only and recommendation and actions of such committees shall not be binding upon the Board.

Good records will be maintained and reports to the Board will be submitted in writing timely for agenda inclusion.

ARTICLE VII

BOARD'S FISCAL YEAR

The fiscal year of the Board will exactly correspond with the fiscal year of Hidalgo County government.

ARTICLE VIII

WAIVER OF NOTICE

Whenever any notice of a regular monthly or special meeting is required to be given to any member of the Board, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated herein, shall be deemed equivalent to the giving of such notice.

ARTICLE IX

BYLAWS AMENDMENT

After due acceptance, with or without amendment, the by-laws and/or local rules may thereafter be amended by the Board at any legal meeting of the Board by the affirmative vote of two-thirds majority of the members, including proxies, provided that notice of the proposed additions, amendments or changes shall have been delivered to each Board member in writing at least ten (10) days prior to such meeting.

ACKNOWLEDGMENT FORM

APPLICANT HAS READ AND FULLY UNDERSTANDS EACH OF THE ABOVE BYLAWS. APPLICANT FURTHER UNDERSTANDS THAT THIS FORM MUST BE SWORN, SIGNED AND SUBMITTED TO THE BOARD *PRIOR* TO CONSIDERATION ON ANY MATTER THE SIGNEE HAS BEFORE THE BOARD.

SIGNATURE OF APPLICANT

SIGNED AND SWORN BEFORE ME, the undersigned authority, on this the ____ day of _____, 20 ____.

Notary Public in and for the State of Texas.

HIDALGO COUNTY BAIL BOND BOARD

LOCAL RULES

The following rules have been adopted by the Hidalgo County Bail Bond Board (“The Board”) in July, 2000. They relate to applicants for licensed bondsmen, agents of corporations and employees of licensees. *Any rule can result in such sanctions as the Board may enforce under Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATIONS CODE, (V.T.C.A.). or under applicable Texas law.*

DEFINITIONS:

“**LICENSEE**” means an individual or corporation licensed by the Bail Bond Board in Hidalgo County, Texas.

“**AGENT**” means an individual who has been designated in an application filed by a corporation and approved by the Hidalgo County Bail Bond Board.

“**EMPLOYEE**” is an individual who has been approved by the Hidalgo County Bail Bond Board to work in an office of a licensed entity.

RULES:

NEW OR RENEWAL APPLICATIONS

(1) No application for a New bail bond license or Renewal of a bail bond license will be brought before the Board for consideration until it is properly completed with all required attachments and has been on file with the Secretary of the Board at least *thirty (30) days prior* to consideration. It is the obligation of the applicant to see that his/her application is properly completed before consideration.

(2) The application must be submitted to the Secretary of the Hidalgo County Bail Bond Board ***with a copy for each voting member of the Board.***

(3) No more than one (1) Bail Bond license will be issued to any one (1) person or entity.

(4) New and Renewal applications will be considered as per Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATIONS CODE, (V.T.C.A.).

(5) The application fee (\$500.00) submitted with the application for a New or Renewal license is non-refundable in the event the application is not approved or refused.

(6) The Board shall conduct sworn Voir Dire examinations in application for New and/or Renewal of licenses. The examination will include matters such as but not limited to violations of any laws, rules or regulations.

(7) Any collateral of any kind submitted to obtain or renew a license cannot be changed, substituted, or modified that action might affect the Board's rights of execution against it. Any change, substitution or modification of collateral must have written Board approval.

(8) When applicants or licensees submit real property as collateral, it must have a minimum appraised value of fifty thousand dollars (\$50,000) and be re-appraised every four years or upon request by the Board.

(9) Real property deeded in trust to the Board must meet the following requirements:

A. Property must be located in Hidalgo County, Texas.

B. Such property cannot be exempt from forced sale.

C. Such property must be unencumbered.

D. The following documentation must be submitted:

(1) Original or certified copy of Warranty Deed executed and filed in the name of the applicant or licensee; and

(2) Title Policy specifying that there are no outstanding liens against the property other than the Board's Deed of Trust, and each licensee must submit a title report showing no outstanding liens against the property other than the Board's Deed of Trust, at the renewal of the license.

E. All submitted real estate shall be appraised as follows:

(1) A real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that had an established code of ethics, educational program; and

(2) Is on the current list of approved appraisers for the Hidalgo County Bail Bond Board.

(10) When an applicant or licensee relies upon other than real property as collateral, a minimum of fifty thousand dollars (\$50,000) in cash, Cashier's Check, or Certificate of Deposit shall be placed on deposit with the Hidalgo County Treasurer. However, when the applicant or licensee is a corporation surety, a Certificate of Deposit in the amount of fifty thousand dollars (\$50,000) shall be placed on deposit with the Hidalgo County Treasurer. No monies or real estate which is held as collateral will be withdrawn without formal Board approval.

(11) No Agent, with the exception of a corporate agent, may execute bonds for any surety unless:

(A) Such person acting as surety is individually licensed pursuant to Chapter 1704, Sections 1704.151 and 1704.163, Regulation of Bail Bond Sureties, Texas Occupation Code (V.T.C.A.);

(B) Such agent must also be specifically designated in the surety's license application.

(12) In the event the applicant is a corporate surety:

(A) Before any designated agent may execute bonds on behalf of a licensed corporate surety, there must be filed as directed by the Board a General Qualifying Power of Attorney for the agent. Such Power of Attorney may be revoked only by a timely 30-day certified written notice signed by an Officer of the Corporation to the Chairman of the Hidalgo County Bail Bond Board and the Hidalgo County Sheriff's office.

(B) All licensees and agents of corporations who execute bonds on their behalf are required to have on file, as directed by the Board, a current signature card before they will be permitted to execute bonds.

(13) The person applying for a bail bond license or the designated agent of a corporation seeking application for a license **must** be a resident of Hidalgo County.

(14) A licensee may not office or conduct bail bond business from any building which

(A) Has a common entrance in which a licensed attorney conducts any part of his/her practice;

(B) Has a common entrance or is adjoined to a building where persons in the custody of law enforcement officials are arraigned, processed or detained.

(C) No licensee, agent of a corporation, employee of a bondsman, individual or person may solicit bail bond business in a police station, jail, prison, detention facility, or other place where persons in the custody of law enforcement officials are detained.

(D) No licensee, agent of a corporation, employee of a bondsman, individual or person may solicit bail bond business in any manner while on city, county, or state property where persons in the custody of law enforcement officials are detained.

(15) Each licensee or agent of a corporation who uses an assumed name must submit to the Board a valid Assumed Name Certificate or certified copy thereof properly filed with the Hidalgo County Clerk.

(16) All corporate sureties are required to designate the local agent appointed by the company for writing bonds as the local agent for service of process in bond forfeiture cases. The designation must be made by one of the following of the corporate surety:

(A) the Chairman of the Board of the corporate surety; or

(B) the President of the corporate surety.

(17) A licensee is responsible to insure that his/her employees comply with Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupation Code (V.T.C.A.) and the local rules and bylaws of the Hidalgo County Bail Bond Board.

(18) Each licensee, agent of a corporation, and employee is required to read and sign a sworn copy of the Hidalgo County Bail Bond Board local rules and bylaws prior to being approved.

(19) Each licensed bail bondsman is required to comply with the records requirements prescribed herein:

(A) A licensed holder shall maintain

(1) a record of each bail bond executed by the license holder; and

(2) a separate set of records for each county in which the license holder is licensed.

(B) The records required to be maintained under this section must include for each bail bond executed and enforced as follows:

(1) the style number of the case and the court in which the bond is executed;

(2) the name of the defendant released on bond;

(3) the amount of bail set in the case;

(4) the amount and type of security held by the licensed holder; and

(5) statement of

(a) whether the security held by the license holder is

(i) for the payment of a bail bond fee; or

(ii) to assure the principal's appearance in court; and

(b) the conditions under which the security will be returned.

(C) A licensed holder shall, before renewing a license, submit for inspection to the Board, or a person designated by the Board, the records required under this section.

(D) The records required under this section shall be made available for inspection on demand by the Board or an authorized representative of the Board. This is to become effective on September 1, 2000 and thereon.

REGULATORY PROVISIONS:

(20) No person, firm or corporation that is not licensed to make bail bonds may use a phone number, address, or advertising of any kind to solicit or refer bail bond business to a licensee or any non-licensee. Further, no licensee may use a phone number, address or office of a non-licensee to conduct any bail bond activities.

(21) No licensee, agent for a corporation, representative, or employee of a licensee may convey, give or pass anything of value to any non-licensee or entity for the referral of bail bond business.

(22) All bail bonds shall be accepted only in the bonding office of the Sheriff of Hidalgo County, Texas (“the Sheriff”).

(23) All bail bond companies are required to use the promulgated bail bond form that has been approved for use by the Hidalgo County Bail Bond Board.

(24) A licensee may be temporarily suspended with informal notice:

(A) When a bondsman fails to pay within thirty (30) days any final bond forfeiture judgment. When a licensee holds more than one license and is in default on any of the licenses, all licenses will be temporarily suspended. The Chairman and the District Attorney shall notify the Sheriff to temporarily suspend any licensee who has not paid final judgment within thirty (30) days.

(25) A licensee, agent for a corporation, or employee of a bonding company presenting a bail bond to the Hidalgo County Sheriff’s bonding department for approval must present a current bail bond identification card to the deputy processing the bond. Failure to present the identification card upon request may result in the bail bond not being accepted until such identification is presented.

(26) No bonding company may execute a bail bond if the amount of license holder’s current total liability on Judgments Nisi equals or exceeds twice the amount of security deposited or executed by the license holder under Section 1404.160 (V.T.C.A.).

(27) A licensee or agent of a corporation must return to the payor all fees and/or collateral tendered for the purpose of making or executing a bail bond when no bond is posted by the licensee within twenty four (24) hours of the fee being paid. The licensee or agent of a corporation may retain a portion of the tendered fees to compensate for expenses incurred, but may not keep more than twenty five dollars (\$25.00) when the expenses cannot be proven upon presentation of receipts indicating actual monies expended. If the fees or property cannot be returned because the payor cannot be located, or for other good cause, the licensee or agent of a corporation shall make a written record of his efforts to return the fees or collateral and such record shall show when the fees or collateral will be returned and such record shall be a permanent part of the payor’s file.

(28) No licensee shall employ, as an agent or employee, any person who after August 27, 1973, commits or had committed an offense for which he/she had been finally convicted of a misdemeanor involving moral turpitude or a felony. For purposes of this rule a final conviction means a conviction from which any rights of direct appeal have been exhausted.

BAIL BOND BOARD MEETINGS:

(29) Hidalgo County Bail Bond Board Meetings are held on the first (1st) Tuesday of each month at four thirty (4:30) p.m.

(30) It is the policy of the Board to post the agenda for its monthly meeting on the Thursday preceding the monthly Bail Bond Board meeting.

(31) Parties interested in having items placed on the agenda for the monthly meeting must comply with the following conditions:

(A) The requested item must be sent in writing to the Chairman of the Board **and** the Secretary no later than seven (7) days prior to the date of the meeting.

***NOTICE: Any agenda item that is received after the deadline will be placed on the following month's agenda.**

ACKNOWLEDGMENT FORM

Applicant has read and fully understands each of the Hidalgo County Bail Bond Local Rules and Regulations.

Applicant understands that each such rule and regulation is a condition to applicant, licensee, agent for a corporation, or employee of a bondsman being allowed to engage in the Bail Bond business in Hidalgo County, Texas.

Further, applicant does hereby agree and acknowledges that a violation of any of these rules and regulations will allow the Hidalgo County Bail Bond Board on its own motion, and shall on receipt of a sworn complaint providing reasonable cause to believe that a violation of Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupations Code, (V.T.C.A.) or these local rules and regulations has occurred or on the request of a court, investigate the actions and records relating to such complaint against any licensee, agent of a corporation or employee of a bondsman. The Board may, after notice and hearing, suspend or revoke a license for violation of a provision of Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupations Code, (V.T.C.A.), or a rule prescribed by the Board during the term of the license sought to be suspended or revoked or during any prior licensing period.

APPLICANT HAS READ AND FULLY UNDERSTANDS EACH OF THE ABOVE LOCAL RULES AND ATTESTS COMPLIANCE WITH SAID RULES AND REGULATIONS.

Signature of Owner/Agent

Print Name

Bonding Company: _____

License Number: _____

Title: _____

SIGNED and SWORN BEFORE ME, the undersigned authority, on this the ___ day of _____, 20__.

Notary Public in and for Hidalgo County, Texas

ACKNOWLEDGMENT FORM

Texas Occupations Code Chapter 1704 as amended

I HAVE READ AND FULLY UNDERSTAND EACH OF THE ABOVE LAWS AND CERTIFY THAT I WILL COMPLY WITH SAID REGULATIONS. I FURTHER UNDERSTAND THAT THIS FORM MUST BE SWORN, SIGNED AND SUBMITTED TO THE BOARD PRIOR TO CONSIDERATION ON ANY MATTER THE SIGNEE HAS BEFORE THE BOARD.

Signature of Applicant

Print Name

SIGNED and SWORN BEFORE ME, the undersigned authority, on this the _____ day
of _____, 20____.

Notary Public, in and for the State of Texas

OCCUPATIONS CODE

TITLE 10. OCCUPATIONS RELATED TO LAW ENFORCEMENT AND SECURITY

CHAPTER 1704. REGULATION OF BAIL BOND SURETIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1704.001. DEFINITIONS. In this chapter:

(1) "Bail bond" means a cash deposit, or similar deposit or written undertaking, or a bond or other security, given to guarantee the appearance of a defendant in a criminal case.

(2) "Bail bond surety" means a person who:

(A) executes a bail bond as a surety or cosurety for another person; or

(B) for compensation deposits cash to ensure the appearance in court of a person accused of a crime.

(3) "Board" means a county bail bond board.

(4) "Bonding business" or "bail bond business" means the solicitation, negotiation, or execution of a bail bond by a bail bond surety.

(4-a) "Final judgment" means a judgment that disposes of all issues and parties in a case.

(5) "Person" means an individual or corporation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 6, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 316, Sec. 1, eff. September 1, 2005.

Sec. 1704.002. APPLICATION OF CHAPTER. This chapter applies only in a county with a population of:

(1) 110,000 or more; or

(2) less than 110,000 in which a board is created.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER B. COUNTY BAIL BOND BOARDS

Sec. 1704.051. MANDATORY CREATION OF BOARD. A board is created in each county with a population of 110,000 or more.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.052. DISCRETIONARY CREATION OF BOARD. A board may be created in a county with a population of less than 110,000 if:

- (1) a majority of the persons who would serve as members of the board under Section 1704.053, or who would designate the persons who would serve as members of the board, determine to create a board; and
- (2) the commissioners court approves the creation of the board by a majority vote.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 923, Sec. 1, eff. June 19, 2009.

Sec. 1704.053. BOARD COMPOSITION. A board consists of:

- (1) the sheriff or a designee from the sheriff's office who must be the sheriff's administrator or a deputy sheriff of the rank of at least sergeant;
- (2) a district judge of the county having jurisdiction over criminal matters and designated by the presiding judge of the administrative judicial district or a designee of the district judge who is approved by the presiding judge;
- (3) the county judge, a member of the commissioners court designated by the county judge, or a designee approved by the commissioners court;
- (4) a judge of a county court or county court at law in the county having jurisdiction over criminal matters and designated by the commissioners court or a designee of the judge who is approved by the commissioners court;

- (5) the district attorney or an assistant district attorney designated by the district attorney;
- (6) a licensed bail bond surety or agent for a corporate surety in the county elected under Section 1704.0535, or a bail bond surety or agent for a corporate surety licensed in the county who is designated by the elected surety or agent;
- (7) a justice of the peace;
- (8) the district clerk or the clerk's designee;
- (9) the county clerk or the clerk's designee, if the county clerk has responsibility over criminal matters;
- (10) if appointed by the board, a presiding judge of a municipal court in the county;
- (11) if the county's principal municipality designates a presiding judge in the municipal court system, the presiding judge or a municipal judge from the system designated by the presiding judge;
- (12) the county treasurer or the treasurer's designee or, if appointed by the commissioners court in a county that does not have a county treasurer, the person designated by the county commissioners court to perform the duties of the county treasurer; and
- (13) a criminal defense attorney practicing in the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants or the designee of the criminal defense attorney.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.503(a), eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 7, eff. June 20, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 353, Sec. 1, eff. September 1, 2007.

Sec. 1704.0535. ELECTION OF BAIL BOND SURETY BOARD MEMBER. (a) The board shall annually conduct a secret ballot election to elect the member of the board who serves as the representative of licensed bail bond sureties by electing a licensed bail bond surety or agent for a corporate surety board member.

(b) Each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held.

Added by Acts 2003, 78th Leg., ch. 942, Sec. 8, eff. June 20, 2003.

Sec. 1704.054. PRESIDING OFFICER. (a) A board shall initially elect one of its members as presiding officer.

(b) The presiding officer shall preside over board meetings.

(c) The presiding officer may vote on any board matter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 9, eff. June 20, 2003.

Sec. 1704.055. MEETINGS. (a) A board shall hold its initial meeting not later than the 60th day after the date the board is created.

(b) Except as provided by Subsection (c), a board shall meet:

(1) at least once a month; and

(2) at other times at the call of the presiding officer.

(c) A board in a county with a population of less than 50,000 shall meet at least four times each year during the months of January, April, July, and October at the call of the presiding officer.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 899, Sec. 1, eff. June 19, 2009.

Sec. 1704.056. QUORUM; MAJORITY VOTE. (a) Four members of a board constitute a quorum.

(b) A board may take action only on a majority vote of the board members present.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER C. BOARD POWERS AND DUTIES

Sec. 1704.101. ADMINISTRATIVE AUTHORITY. A board shall:

- (1) exercise powers incidental or necessary to the administration of this chapter;
- (2) deposit fees collected under this chapter in the general fund of the county;
- (3) supervise and regulate each phase of the bonding business in the county;
- (4) adopt and post rules necessary to implement this chapter;
- (5) conduct hearings and investigations and make determinations relating to the issuance, denial, or renewal of licenses;
- (6) issue licenses to qualified applicants;
- (7) deny licenses to unqualified applicants;
- (8) employ persons necessary to assist in board functions; and
- (9) conduct board business, including maintaining records and minutes.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.102. ENFORCEMENT AUTHORITY. (a) A board shall:

- (1) enforce this chapter in the county;
- (2) conduct hearings and investigations and make determinations relating to license suspension and revocation;
- (3) suspend or revoke a license for a violation of this chapter or a rule adopted by the board under this chapter; and
- (4) require a record and transcription of each board proceeding.

(b) A board may:

- (1) compel the appearance before the board of an applicant or license holder; and
- (2) during a hearing conducted by the board, administer oaths, examine witnesses, and compel the production of pertinent records and testimony by a license holder or applicant.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.103. DISBURSEMENTS FROM COUNTY FUND. (a) Fees deposited in the general fund of a county under Section 1704.101(2) may be used only to administer and enforce this chapter, including reimbursement for:

(1) reasonable expenses incurred by the board in enforcing this chapter; and

(2) actual expenses incurred by a board member in serving on the board.

(b) For purposes of this section, serving on a board is an additional duty of a board member's office. A board member may not receive compensation for serving on a board.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.104. POSTING OF BOARD RULE OR ACTION. A board shall post a rule adopted or an action taken by the board in an appropriate place in the county courthouse for the 10 days preceding the date the rule or action takes effect.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.105. LICENSED BAIL BOND SURETY LIST. (a) A board shall post in each court having criminal jurisdiction in the county, and shall provide to each local official responsible for the detention of prisoners in the county, a current list of each licensed bail bond surety and each licensed agent of a corporate surety in the county.

(b) A list of each licensed bail bond surety and each licensed agent of a corporate surety in a county must be displayed at each location where prisoners are examined, processed, or confined.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 10, eff. June 20, 2003.

Sec. 1704.107. NOTIFICATION OF LICENSE SUSPENSION OR REVOCATION. A board shall immediately notify each court and each local official responsible for the detention of prisoners in the county of:

(1) the suspension or revocation of a license issued under this chapter; and

(2) the revocation of the authority of a license holder's agent.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.108. NOTIFICATION OF DEFAULT BY CORPORATION. A board shall promptly notify the Texas Department of Insurance if a corporation fails to pay a judgment of forfeiture as provided by Section 1704.204(a).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 11, eff. June 20, 2003.

Validity

This section has been declared unconstitutional. See *Pruett v. Harris County Bail Bond Bd.*, 400 F. Supp. 2d 967 (S.D. Tex. 2005).

Sec. 1704.109. SOLICITATION AND ADVERTISEMENT. (a) A board by rule may regulate solicitations or advertisements by or on behalf of bail bond sureties to protect:

(1) the public from:

(A) harassment;

(B) fraud;

(C) misrepresentation; or

(D) threats to public safety; or

(2) the safety of law enforcement officers.

(b) A bail bond surety, an agent of a corporate surety, or an employee of the surety or agent may not make, cause to be made, or benefit from unsolicited contact:

(1) through any means, including in person, by telephone, by electronic methods, or in writing, to solicit bonding business related to an individual with an outstanding arrest warrant that has not been executed, unless the bail bond surety or agent for a corporate surety has an existing bail bond on the individual; or

(2) in person or by telephone to solicit bonding business:

(A) that occurs between the hours of 9 p.m. and 9 a.m.; or

(B) within 24 hours after:

(i) the execution of an arrest warrant on the individual; or

(ii) an arrest without a warrant on the individual.

(c) This section does not apply to a solicitation or unsolicited contact related to a Class C misdemeanor.

Added by Acts 2001, 77th Leg., ch. 1262, Sec. 2, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 942, Sec. 12, eff. June 20, 2003.

SUBCHAPTER D. LICENSING REQUIREMENTS

Sec. 1704.151. LICENSE REQUIRED. Except as provided by Section 1704.163, a person may not act as a bail bond surety or as an agent for a corporate surety in the county unless the person holds a license issued under this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 13, eff. June 20, 2003.

Sec. 1704.152. ELIGIBILITY. (a) To be eligible for a license under this chapter, an individual, including an agent designated by a corporation in an application, must:

(1) be a resident of this state and a citizen of the United States;

(2) be at least 18 years of age;

(3) possess the financial resources required to comply with Section 1704.160, unless the individual is acting only as agent for a corporation holding a license under this chapter; and

(4) submit documentary evidence that, in the two years preceding the date a license application is filed, the individual:

(A) has been continuously employed by a person licensed under this chapter for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed duties that encompass all phases of the bonding business; and

(B) completed in person at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an accredited institution of higher education in the state.

(b) To be eligible for a license under this chapter, a corporation must be:

- (1) chartered or admitted to do business in this state; and
- (2) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code.

(c) Subsection (a)(4) does not apply to the issuance of an original license:

- (1) in a county before the first anniversary of the date a board is created in the county; or
- (2) to an individual who applies to operate the bail bond business of a license holder who has died if the individual is related to the decedent within the first degree by consanguinity or is the decedent's surviving spouse.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 3, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 14, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 316, Sec. 2, eff. September 1, 2005.

Sec. 1704.153. INELIGIBILITY BECAUSE OF CRIMINAL CONVICTION. A person is not eligible for a license under this chapter if, after August 27, 1973, the person commits and is finally convicted of a misdemeanor involving moral turpitude or a felony.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.154. APPLICATION REQUIREMENTS. (a) To be licensed under this chapter, a person must apply for a license by filing a sworn application with the board.

(b) The application must:

- (1) be in a form and contain the information prescribed by the board;

(2) state:

(A) the applicant's name, age, and address;

(B) if the applicant is a corporation, whether the applicant is:

(i) chartered or admitted to do business in this state; and

(ii) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code;

(C) the name under which the bail bond business will be conducted, including a bail bond business that is conducted by an agent of a corporation;

(D) each place, including the street address and municipality, at which the business will be conducted; and

(E) the amount of cash or the cash value of a certificate of deposit or cashier's check that the applicant intends to deposit with the county treasurer if the applicant's application is approved or, if the applicant is an individual intending to execute nonexempt real property in trust to the board, the value of the real property;

(3) if the applicant is an individual, be accompanied by a list, as required by Section 1704.155, of nonexempt real property owned by the applicant that the applicant intends to execute in trust to the board if the applicant's application is approved; and

(4) be accompanied by:

(A) the applicant's complete, sworn financial statement;

(B) the applicant's declaration that the applicant will comply with this chapter and the rules adopted by the board;

(C) three letters of recommendation, each from a person who:

(i) is reputable; and

(ii) has known the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application for at least three years;

(D) a \$500 filing fee;

(E) a photograph of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in the application;

(F) a set of fingerprints of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in

the application taken by a law enforcement officer designated by the board;

(G) if the applicant is or has been licensed under this chapter in another county:

(i) a list of each county in which the applicant holds a license; and

(ii) a statement by the applicant, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from a bail bond executed by the applicant as a surety or as an agent for a surety; and

(H) if the applicant is a corporation, a statement by the designated agent, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from any bond executed by the agent as a surety or as an agent for a surety.

(c) A letter of recommendation submitted under Subsection (b)(4)(C) must:

(1) state that the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application has a reputation for honesty, truthfulness, fair dealing, and competency; and

(2) recommend that the board issue the license.

(d) Until payment of the final judgment, an unpaid final judgment disclosed under Subsection (b)(4)(G)(ii) or (b)(4)(H) bars licensure for the applicant unless the applicant has deposited with the court cash or a supersedeas bond in the amount of the final judgment pending:

(1) a ruling on a timely filed motion for a new trial; or

(2) an appeal.

(e) A corporation must file a separate corporate application for each agent the corporation designates in the county.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 15, eff. June 20, 2003.

Sec. 1704.155. REAL PROPERTY LIST. A list of nonexempt real property required under Section 1704.154(b)(3) must, for each parcel listed, include:

- (1) a legal description of the property that would be sufficient to convey the property by general warranty deed;
- (2) a current statement from each taxing unit authorized to impose taxes on the property showing that there is no outstanding tax lien against the property;
- (3) at the option of the applicant, either the property's:
 - (A) net value according to a current appraisal made by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or
 - (B) value according to a statement from the county from the county's most recent certified tax appraisal roll;
- (4) a statement by the applicant that, while the property remains in trust, the applicant:
 - (A) agrees to pay the taxes on the property;
 - (B) will not further encumber the property unless the applicant notifies the board of the applicant's intent to encumber the property and the board permits the encumbrance; and
 - (C) agrees to maintain insurance on any improvements on the property against damage or destruction in the full amount of the value claimed for the improvements;
- (5) a statement of whether the applicant is married; and
- (6) if the applicant is married, a sworn statement from the applicant's spouse agreeing to transfer to the board, as a part of the trust, any right, title, or interest that the spouse may have in the property.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 16, eff. June 20, 2003.

Sec. 1704.156. REAPPRAISAL OF REAL PROPERTY. (a) An appraisal district may not reappraise real property solely because the property

owner is a license holder or an applicant for a license under this chapter.

(b) An appraisal district is not prohibited from reappraising real property in connection with the appraisal of real property in the same general area or if the reappraisal is requested by the board, a license holder, or an applicant for a license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.157. PRELIMINARY DETERMINATIONS. Before a hearing on an application, a board or a board's authorized representative shall determine whether the applicant:

(1) possesses the financial resources to comply with Section 1704.160; and

(2) satisfies the other requirements of this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.158. HEARING ON APPLICATION. (a) After making the determinations required by Section 1704.157, a board shall conduct a hearing on the application.

(b) During the hearing:

(1) the board may submit to the applicant or the applicant's agent any questions relevant to the board's decision on the application; and

(2) the applicant may present oral and documentary evidence.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.159. DECISION ON APPLICATION; BOARD ORDER. (a) After the hearing under Section 1704.158, the board shall enter an order conditionally approving the application unless the board determines that a ground exists to deny the application. If the board determines that a ground exists to deny the application, the board shall enter an order denying the application.

(b) An order issued under Subsection (a) conditionally approving an application becomes final on the date the applicant complies with the security requirements of Section 1704.160.

(c) A board shall give written notice to an applicant of the board's decision on the application.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 17, eff. June 20, 2003.

Sec. 1704.160. SECURITY REQUIREMENTS. (a) On receipt of notice under Section 1704.159 that an application has been conditionally approved, the applicant, not later than the 90th day after the date of receipt of the notice, must:

(1) if the applicant is an individual:

(A) subject to Subsection (b), deposit with the county treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E); or

(B) subject to Subsections (c)-(f), execute in trust to the board each deed to the property listed on the application under Section 1704.154(b)(3); or

(2) if the applicant is a corporation, subject to Subsection (b), deposit with the county treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E).

(b) A deposit made under Subsection (a)(1)(A) or (a)(2) may not be less than \$50,000. A corporation must make a separate deposit for each license granted to it in a county. A deposit made to a county with a population of less than 250,000 shall be placed in a fund known as a bail security fund.

(c) At the option of the applicant, the property executed in trust under Subsection (a)(1)(B) must be valued in the amount indicated by:

(1) an appraisal by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or

(2) the county's most recent certified tax appraisal roll.

(d) The total value of the property executed in trust under Subsection (a)(1)(B) may not be less than \$50,000.

(e) A trust created under Subsection (a)(1)(B) is subject to the condition that the property executed in trust may, after notice is provided and under the conditions required by the Code of Criminal Procedure, be sold to satisfy a final judgment on a forfeiture on a bail bond executed by the applicant.

(f) If an applicant is married, the applicant's spouse must execute each deed of trust under Subsection (a)(1)(B) that involves community property.

(g) A board shall file each deed of trust in the records of each county in which the property is located. The applicant shall pay the filing fee.

(h) The certificate of authority to do business in this state issued under Section 861.102, Insurance Code, to an applicant that is a corporation is conclusive evidence of:

- (1) the sufficiency of the applicant's security; and
- (2) the applicant's solvency and credits.

(i) A license holder must maintain the amount of security required by this section during the time the person holds the license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 14.504, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 18, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 10A.547, eff. Sept. 1, 2003.

Sec. 1704.161. LICENSE FORM. (a) Each license issued under this chapter must show on its face the license expiration date and the license number.

(b) The same license number must appear on each subsequent renewal license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.162. LICENSE EXPIRATION AND RENEWAL. (a) A license issued or renewed under this chapter expires on the second anniversary

after the date the license is issued or is to expire, as appropriate, if the license:

- (1) has been issued for less than eight consecutive years; or
- (2) has been suspended.

(b) To renew a license, a license holder must file with the board an application for renewal not later than the 31st day before the license expiration date.

(c) An application for renewal must comply with the requirements for an original license application under Section 1704.154, including the \$500 filing fee requirement.

(d) A board shall approve an application for renewal if:

- (1) the applicant's current license is not suspended or revoked;
- (2) the application complies with the requirements of this chapter; and
- (3) the board does not determine that a ground exists to deny the application.

(e) A person who applies to renew a license that has been held by the person for at least eight consecutive years without having been suspended or revoked under this chapter and who complies with the requirements of this chapter may renew the license for a period of 36 months from the date of expiration if the board:

- (1) knows of no legal reason why the license should not be renewed; and
- (2) determines that the applicant has submitted an annual financial report to each county bail bond board before the anniversary date of the issuance of the applicant's license.

(f) A license renewed under Subsection (e) may be renewed subsequently each 36 months in a similar manner.

(g) The board may disapprove an application only by entering an order.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.505(a), eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 19, eff. June 20, 2003.

Sec. 1704.163. ATTORNEY EXEMPTION. (a) Except as provided by this section, a person not licensed under this chapter may execute a bail bond or act as a surety for another person in any county in this state if the person:

(1) is licensed to practice law in this state; and

(2) at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record.

(b) A person executing a bail bond or acting as a surety under this section may not engage in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation. If the board determines that a person has violated this subsection, the board may suspend or revoke the person's authorization to post a bond under this section or may bar the person from executing a bail bond or acting as a surety under this section until the person has remedied the violation.

(c) A person executing a bail bond or acting as a surety under this section is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 7, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 316, Sec. 3, eff. September 1, 2005.

SUBCHAPTER E. BONDING BUSINESS

Sec. 1704.201. ACCEPTANCE OF LICENSE HOLDER BAIL BONDS. A sheriff shall accept or approve a bail bond executed by a license holder in the county in which the license holder is licensed if:

(1) the bond is for a county or district case;

(2) the bond is executed in accordance with this chapter and the rules adopted by the board; and

(3) a bail bond is required as a condition of release of the defendant for whom the bond is executed.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.202. RECORD REQUIREMENTS. (a) A license holder shall maintain:

(1) a record of each bail bond executed by the license holder;
and

(2) a separate set of records for each county in which the license holder is licensed.

(b) The records required to be maintained under this section must include for each bail bond executed and enforced:

(1) the style and number of the case and the court in which the bond is executed;

(2) the name of the defendant released on bond;

(3) the amount of bail set in the case;

(4) the amount and type of security held by the license holder;
and

(5) a statement of:

(A) whether the security held by the license holder is:

(i) for the payment of a bail bond fee; or

(ii) to assure the principal's appearance in court;

and

(B) the conditions under which the security will be returned.

(c) Repealed by Acts 2003, 78th Leg., ch. 942, Sec. 28.

(d) The records required under this section shall be:

(1) made available for inspection and copying at the board's expense on demand by the board or an authorized representative of the board;

(2) maintained at the license holder's office location in the county; and

(3) maintained for not less than four years after the conclusion of the case for which the bond was given.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 20, 28, eff. June 20, 2003.

Sec. 1704.203. BAIL BOND LIMIT; ADDITIONAL SECURITY. (a) Except as provided by Subsection (d), a license holder who holds a license originally issued before September 1, 1999, may not execute, and a person may not accept from the license holder, a bail bond that, in the aggregate with other bail bonds executed by the license holder in that county, results in a total amount that exceeds 10 times the value of the security deposited or executed by the license holder under Section 1704.160.

(b) A county officer or an employee designated by the board shall maintain for each license holder the total amount of the license holder's current liability on bail bonds.

(c) A license holder may not execute a bail bond if the amount of the license holder's current total liability on judgments nisi in that county equals or exceeds twice the amount of security deposited or executed by the license holder under Section 1704.160.

(d) A license holder, at any time, may increase the limits prescribed by this section by depositing or executing additional security.

(e) This section does not apply to a license holder that is a corporation.

(f) A bail bond surety who holds a license originally issued on or after September 1, 1999, and who:

(1) has been licensed for fewer than two years or has had a license under this chapter suspended or revoked may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus five times the value of property held in trust under Section 1704.160(a)(1)(B);

(2) has been licensed for at least two years and fewer than four years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus six times the value of property held in trust under Section 1704.160(a)(1)(B);

(3) has been licensed for at least four years and fewer than six years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus eight times the value of property held in trust under Section 1704.160(a)(1)(B); or

(4) has been licensed for at least six years may not execute, and a person may not accept from the license holder, bail bonds that in

the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus 10 times the value of property held in trust under Section 1704.160(a)(1)(B).

(g) If a bail bond surety is subject to Subsection (f)(1) because the person has had a license under this chapter suspended or revoked and is also subject to Subsection (f)(2), (3), or (4), the prohibition imposed by Subsection (f)(1) controls.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.506(a), eff. Sept. 1, 2001.

Sec. 1704.204. PAYMENT OF FINAL JUDGMENT. (a) A person shall pay a final judgment on a forfeiture of a bail bond executed by the person not later than the 31st day after the date of the final judgment unless a timely motion for a new trial has been filed. If a timely motion for a new trial or a notice of appeal has been filed, the person shall:

(1) pay the judgment not later than the 31st day after the date the motion is overruled, if the motion is overruled; or

(2) deposit with the court cash or a supersedeas bond in the amount of the final judgment, if an appeal is filed.

(b) If a license holder fails to pay a final judgment as required by Subsection (a), the judgment shall be paid from the security deposited or executed by the license holder under Section 1704.160.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 21, eff. June 20, 2003.

Sec. 1704.205. BAIL BOND SETTLEMENT. Before a final judgment on a forfeiture of a bail bond:

(1) the prosecuting attorney may recommend to the court a settlement in an amount less than the amount stated in the bond; or

(2) the court may, on its own motion, approve a settlement.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.206. REPLACEMENT OF SECURITY. If a final judgment on a forfeiture of a bail bond is paid from the security deposited or executed by a license holder under Section 1704.160, the license holder shall deposit or execute additional security in an amount sufficient to comply with that section.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.207. SURRENDER OF PRINCIPAL; CONTEST. (a) A person executing a bail bond may surrender the principal for whom the bond is executed by:

(1) if the principal is represented by an attorney, notifying the principal's attorney of the person's intention to surrender the principal in a manner provided by Rule 21a, Texas Rules of Civil Procedure; and

(2) filing an affidavit with the court or magistrate before which the prosecution is pending that states:

- (A) the person's intention to surrender the principal;
- (B) the court and cause number of the case;
- (C) the name of the defendant;
- (D) the offense with which the defendant is charged;
- (E) the date of the bond;
- (F) the reason for the intended surrender; and
- (G) that notice of the person's intention to surrender the

principal has been provided as required by this subsection.

(b) If a principal is surrendered under Subsection (a) and the principal or an attorney representing the state or an accused in the case determines that a reason for the surrender was without reasonable cause, the person may contest the surrender in the court that authorized the surrender.

(c) If the court finds that a contested surrender was without reasonable cause, the court may require the person who executed the bond to refund to the principal all or part of the fees paid for execution of the bond. The court shall identify the fees paid to induce the person to execute the bond regardless of whether the fees are described as fees for execution of the bond.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 8, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 22, eff. June 20, 2003.

Sec. 1704.208. BOND LIABILITY. (a) A person executing a bail bond is relieved of liability on the bond on the date of disposition of the case for which the bond is executed.

(b) For purposes of this section, disposition of a case occurs on the date the case is dismissed or the principal is acquitted or convicted.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.209. BOND DISCHARGED ON APPEAL. (a) A bail bond shall be discharged if:

(1) the principal appeals the case for which the bond is executed; and

(2) the person who executed the bond does not agree to continue during the appeal as surety.

(b) A court may not require a person who executes a bail bond to continue as surety while the principal appeals the case for which the bond is executed unless the person agrees to continue during the appeal as surety.

(c) This section does not prohibit a principal from obtaining an appeal bond under the Code of Criminal Procedure.

(d) This section prevails over any provision contained in the bail bond.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.210. WITHDRAWAL OF SECURITY. (a) A license holder may withdraw the security deposited or executed under Section 1704.160, and the security shall be returned to the license holder or the license holder's heirs or assigns, if:

(1) the license holder:

(A) ceases to engage in the bonding business;

(B) ceases to maintain the license; and

(C) presents a release by the board; and
(2) no judgment or bond liability, actual or potential, is outstanding against the license holder.

(b) The security returned to a license holder under Subsection (a) is equal to the amount of security deposited or executed under Section 1704.160 minus the amount of security:

(1) depleted under Section 1704.204(b) to pay a judgment; and
(2) necessary to secure any unexpired obligation on a bail bond executed by the license holder.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.211. CORPORATE POWER OF ATTORNEY. (a) A corporation shall, before executing any bail bond, file with the county clerk of the county in which the corporation intends to execute the bond a power of attorney designating an agent of the corporation authorized to execute bail bonds on behalf of the corporation.

(b) An agent designated by a power of attorney under Subsection (a) for a corporation holding a license under this chapter must be designated by the corporation in the corporation's application for a license.

(c) An agent designated by a power of attorney under Subsection (a) is not required under this chapter to obtain a general property and casualty agent license under Chapter 4051, Insurance Code.

(d) A corporation may limit the authority of an agent designated under Subsection (a) by specifying the limitation in the power of attorney that is filed with the county clerk and the board.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 9, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 728, Sec. 11.152, eff. September 1, 2005.

Sec. 1704.212. EFFECT OF DEFAULT BY CORPORATION; NOTICE REQUIRED. (a) A corporation may not act as a bail bond surety in a county in which the corporation is in default on five or more bail bonds.

(b) If a corporation defaults on a bail bond, the clerk of the court in which the corporation executed the bond shall deliver a written notice of the default to:

- (1) the sheriff;
- (2) the chief of police; or
- (3) another appropriate peace officer.

(c) For purposes of this section:

(1) a corporation is considered in default on a bail bond beginning on the 11th day after the date the trial court enters a final judgment on the scire facias and ending on the date the judgment is satisfied, set aside, or superseded; and

(2) a corporation is not considered in default on a bail bond if, pending appeal, the corporation deposits cash or a supersedeas bond in the amount of the final judgment with the court in which the bond is executed.

(d) A deposit made under Subsection (c)(2) shall be applied to the payment of a final judgment in the case.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 10, eff. Sept. 1, 2001.

Sec. 1704.213. OFFICE LOCATION. (a) A license holder shall maintain an office in the county in which the license holder holds a license.

(b) Not later than the seventh day after the date a license holder opens a new office or moves an office to a new location, the license holder shall notify the board of the location of the office.

Added by Acts 2001, 77th Leg., ch. 1262, Sec. 11, eff. Sept. 1, 2001.

SUBCHAPTER F. ENFORCEMENT PROVISIONS

Sec. 1704.251. INVESTIGATION. (a) A board, on its own motion, may investigate an action of or a record maintained by a license holder that relates to a complaint that the license holder has violated this chapter.

(b) A board shall investigate an action of or a record maintained by a license holder if:

- (1) the board receives a sworn complaint providing reasonable cause to believe that a violation of this chapter has occurred; or
- (2) a court requests an investigation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.252. DISCRETIONARY LICENSE SUSPENSION OR REVOCATION: GROUND. After notice and hearing, a board may revoke or suspend a license if the license holder:

- (1) violates this chapter or a rule adopted by the board under this chapter;
- (2) fraudulently obtains a license under this chapter;
- (3) makes a false statement or misrepresentation:
 - (A) in an application for an original or renewal license;or
 - (B) during a hearing conducted by the board;
- (4) refuses to answer a question submitted by the board during a hearing relating to the license holder's license, conduct, or qualifications;
- (5) is finally convicted under the laws of this state, another state, or the United States of an offense that:
 - (A) is a misdemeanor involving moral turpitude or a felony; and
 - (B) is committed after August 27, 1973;
- (6) is found by a court to be bankrupt or is insolvent;
- (7) is found by a court to be mentally incompetent;
- (8) fails to pay a judgment in accordance with Section 1704.204;
- (9) pays commissions or fees to or divides commissions or fees with, or offers to pay commissions or fees to or divide commissions or fees with, a person or business entity not licensed under this chapter;
- (10) solicits bonding business in a building in which prisoners are processed or confined;
- (11) recommends to a client the employment of a particular attorney or law firm in a criminal case;
- (12) falsifies or fails to maintain a record required under this chapter;

(13) fails to promptly permit the board, or a representative or an agent of the board, of the county in which the license holder is licensed to inspect a record required under this chapter;

(14) acts as a bail bond surety under a suspended or expired license;

(15) fails two or more times to maintain the amount of security required by Section 1704.160; or

(16) misrepresents to an official or an employee of the official the amount for which the license holder may execute a bail bond for purposes of obtaining the release of a person on bond.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.253. MANDATORY LICENSE SUSPENSION OR REVOCATION: GROUND. (a) A board shall immediately suspend a license if the license holder fails to maintain the amount of security required by Section 1704.160. A board is not required to provide notice or a hearing before suspending a license under this subsection. A license suspended under this subsection shall be immediately reinstated if the license holder deposits or executes the amount of security required by Section 1704.160.

(b) After notice and hearing as provided by Section 1704.254, a board shall revoke a license if:

(1) the license holder fails to pay a judgment in accordance with Section 1704.204; and

(2) the amount of security maintained by the license holder under Section 1704.160 is insufficient to pay the judgment.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.2535. FAILURE TO PAY FINAL JUDGMENT BY BAIL BOND SURETY. (a) The board or its authorized representative shall immediately notify the sheriff if a bail bond surety fails to pay a final judgment of forfeiture as provided by Section 1704.204(a).

(b) After receiving notification, the sheriff may not accept any bonds from the bail bond surety until the surety pays the judgment.

(c) The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.

(d) A board is not required to provide notice or a hearing before making the notification required by this section.

Added by Acts 2003, 78th Leg., ch. 942, Sec. 23, eff. June 20, 2003.

Sec. 1704.254. NOTICE AND HEARING. (a) Notice of a hearing to suspend or revoke a license under this chapter must:

(1) be sent by certified mail to the last known address of the license holder not later than the 11th day before the date of the hearing;

(2) state each alleged violation of this chapter; and

(3) include a copy of any written complaint on which the hearing will be based.

(b) The hearing is limited to each alleged violation stated in the notice.

(c) During the hearing, the license holder:

(1) is entitled to an opportunity to be heard; and

(2) may present and cross-examine witnesses.

(d) The hearing must be recorded. A license holder may obtain a copy of the record on request and payment of the reasonable costs of transcription.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 24, eff. June 20, 2003.

Sec. 1704.255. APPEAL; VENUE. (a) An applicant or a license holder may appeal an order of a board denying an application for a license or renewal of a license, or suspending or revoking a license, by filing a petition in a district court in the county not later than the 30th day after the date the person receives notice of the denial, suspension, or revocation.

(b) An appeal filed under this section is an action against the board. An applicant or a license holder may not bring the action against an individual board member.

(c) The board may not assert a reason on appeal for an action by the board that differs from the reasons specified in the board's notice of hearing under Section 1704.254.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 25, eff. June 20, 2003.

Sec. 1704.256. STANDARD OF JUDICIAL REVIEW. Judicial review of an appeal filed under Section 1704.255 is by trial de novo in the same manner as an appeal from a justice court to a county court.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.257. EFFECT OF BOARD ORDER. (a) A board order denying an application for a license or renewal of a license, or suspending or revoking a license, becomes final on the 31st day after the date the applicant or license holder receives notice of the order unless the applicant or license holder files an appeal under Section 1704.255.

(b) A board order appealed under Section 1704.255 has full force and effect pending determination of the appeal.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

SUBCHAPTER G. PROHIBITED CONDUCT AND CRIMINAL PENALTIES

Sec. 1704.301. RETURN OF SECURITY. A bail bond surety may not hold security for the payment of a bail bond fee or to assure the principal's appearance in court for more than 30 days after the date on which the owner of the security:

- (1) requests return of the security in writing; and
- (2) submits to the bail bond surety written evidence of the conclusion of:
 - (A) the payment agreement; or
 - (B) all of the criminal cases for which the security was given.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 942, Sec. 26, eff. June 20, 2003.

Sec. 1704.302. PROHIBITED REFERRALS OF OR EMPLOYMENTS WITH BONDING BUSINESS; OFFENSE. (a) A person in the bonding business may not directly or indirectly give, donate, lend, or contribute, or promise to give, donate, lend, or contribute, money or property to an attorney, police officer, sheriff, deputy, constable, jailer, or employee of a law enforcement agency for the referral of bonding business.

(b) A person may not accept or receive from a license holder money, property, or any other thing of value as payment for the referral of bonding business unless the records of the board show that the person is an agent or employee of the license holder.

(c) A person may not accept or receive from a license holder money, property, or any other thing of value as payment for employment with a bonding business if, within the preceding 10 years, the person has been convicted of a misdemeanor involving moral turpitude or of a felony.

(d) A person commits an offense if the person violates this section. An offense under this section is a Class A misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 13, eff. Sept. 1, 2001.

Sec. 1704.303. BAIL BOND SURETY ACTIVITY; OFFENSE. (a) A person required to be licensed under this chapter may not execute a bail bond unless the person holds a license issued under this chapter.

(b) A person may not advertise as a bail bond surety in a county unless the person holds a license issued under this chapter by a bail bond board in that county. A person does not violate this subsection if the person places an advertisement that appears in more than one county and:

(1) the advertisement clearly indicates the county or counties in which the person holds a license issued under this chapter; and

(2) any local telephone number in the advertisement is a local number only for a county in which the person holds a license issued under this chapter.

(c) A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 14, eff. Sept. 1, 2001; Acts 2001, 77th

Leg., ch. 1461, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 942, Sec. 27, eff. June 20, 2003.

Sec. 1704.304. PROHIBITED RECOMMENDATIONS OR SOLICITATIONS; OFFENSE. (a) A bail bond surety or an agent of a bail bond surety may not recommend or suggest to a person for whom the bail bond surety executes a bond the employment of an attorney or law firm in connection with a criminal offense.

(b) The following persons may not recommend a particular bail bond surety to another person:

- (1) a police officer, sheriff, or deputy;
- (2) a constable, jailer, or employee of a law enforcement agency;
- (3) a judge or employee of a court;
- (4) another public official; or
- (5) an employee of a related agency.

(c) A bail bond surety or an agent of a bail bond surety may not solicit bonding business in a police station, jail, prison, detention facility, or other place of detainment for persons in the custody of law enforcement.

(d) A person may not place a device in a place of detention, confinement, or imprisonment that dispenses a bail bond in exchange for a fee.

(e) A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1262, Sec. 15, eff. Sept. 1, 2001.

Sec. 1704.305. BAIL BOND RECEIPT AND INSPECTION; OFFENSE. (a) A bail bond surety or an agent of a bail bond surety may not receive money or other consideration or thing of value from a person for whom the bail bond surety executes a bond unless the bail bond surety or agent issues a receipt to the person as provided by Subsection (b).

(b) The receipt must state:

- (1) the name of the person who pays the money or transfers the consideration or thing of value;

(2) the amount of money paid or the estimated amount of value transferred;

(3) if the person transfers consideration or a thing of value, a brief description of the consideration or thing of value;

(4) the style and number of the case and the court in which the bond is executed; and

(5) the name of the person receiving the money, consideration, or thing of value.

(c) A bail bond surety or an agent of a bail bond surety shall retain a duplicate copy of a receipt issued under Subsection (a). The copy of the receipt shall be made available for inspection by:

(1) a representative of the board in any county in which the bail bond surety is licensed; and

(2) an appointed representative of a court in which the bail bond surety agrees to execute bail bonds.

(e) A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 1704.306. RECORDS; OFFENSE. (a) A person commits an offense if the person falsifies a record required to be maintained under this chapter.

(b) An offense under this section is a Class B misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.