S T A T E O F N E W Y O R K

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I N S E N A T E

April 9, 2014

Introduced by Sen. SEWARD -- (at request of the Department of Financial Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to bail bonds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 6801 of the insurance law, subsections (a) and (b) as amended by chapter 181 of the laws of 2012, is amended to read as follows:

S 6801. Bail [bond] business; DEFINITIONS.

(a) (1) Any person, firm [or], corporation OR OTHER ENTITY in any court having criminal jurisdiction or in any criminal action or proceeding who shall for another deposit money or property as bail or execute as surety any bail bond who within a period of one month prior thereto shall have made such a deposit or given such bail in more than two cases not arising out of the same transaction shall be deemed to be doing a bail business and doing an insurance business as defined in article eleven of this chapter.

(2) Except for a corporation authorized to write fidelity and surety insurance and to do a bail business pursuant to the provisions of article eleven of this chapter and otherwise in compliance with all other requirements of this chapter to do such business or a charitable bail organization holding a certificate issued by the superintendent pursuant to section six thousand eight hundred five of this article and otherwise in compliance with all other requirement of this chapter, no person, firm [or], corporation, OR OTHER ENTITY shall engage in a bail business in this state.

(b) (1) No person, firm [or], corporation OR OTHER ENTITY shall in this state do an insurance business or a bail business as defined in subsection (a) of this section unless authorized by a license issued and in force as provided under article eleven of this chapter.

(2) The superintendent may authorize a property/casualty insurance company which is authorized to write fidelity and surety insurance to do a bail business in accordance with the provisions of article eleven of

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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this chapter, but no individual OR ENTITY shall be licensed to do such business.

(C) DEFINITIONS. IN THIS ARTICLE:

(1) "INSURER" MEANS ANY PERSON, FIRM, CORPORATION, OR OTHER ENTITY IN ANY COURT HAVING CRIMINAL JURISDICTION OR IN ANY CRIMINAL ACTION OR PROCEEDING WHO SHALL FOR ANOTHER DEPOSIT MONEY OR PROPERTY AS BAIL OR EXECUTE AS SURETY ANY BAIL BOND WHO WITHIN A PERIOD OF ONE MONTH PRIOR THERETO SHALL HAVE MADE SUCH A DEPOSIT OR GIVEN SUCH BAIL IN MORE THAN TWO CASES NOT ARISING OUT OF THE SAME TRANSACTION, BUT SHALL NOT INCLUDE A CHARITABLE BAIL ORGANIZATION HOLDING A CERTIFICATE ISSUED BY THE SUPERINTENDENT PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED FIVE OF THIS ARTICLE.

(2) "BAIL AGENT" MEANS ANY PERSON, FIRM, CORPORATION OR OTHER ENTITY, OR ANY OFFICER OR EMPLOYEE THEREOF, THAT ACTS IN THIS STATE AS AN AGENT OR SOLICITOR OF AN INSURER OR CHARITABLE BAIL ORGANIZATION DOING A BAIL BUSINESS IN SOLICITING, NEGOTIATING OR EFFECTUATING ANY SUCH DEPOSIT OR BAIL BOND.

(3) "BAIL BOND" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION THIRTEEN OF SECTION 500.10 OF THE CRIMINAL PROCEDURE LAW.

(4) "CRIMINAL PROCEEDING" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION EIGHTEEN OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW.

(5) "PRINCIPAL" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION ONE OF SECTION 500.10 OF THE CRIMINAL PROCEDURE LAW.

(6) "COLLATERAL" MEANS ANYTHING OF VALUE RECEIVED AS SECURITY BY AN INSURER OR BY A BAIL AGENT IN CONNECTION WITH THE EXECUTION OF BAIL IN A CRIMINAL PROCEEDING.

(7) "INDEMNITOR" MEANS AN INDIVIDUAL OR ENTITY WHO HAS PAID A BAIL BOND PREMIUM TO OR DEPOSITED COLLATERAL WITH, AN INSURER OR A BAIL AGENT IN CONNECTION WITH THE EXECUTION OF AN INSURANCE COMPANY BAIL BOND IN A CRIMINAL PROCEEDING.

S 2. The section heading and subsections (a), (d), (e) and (k) of section 6802 of the insurance law, subsection (a) as amended by chapter 181 of the laws of 2012, are amended to read as follows:

[Professional bondsmen] BAIL AGENTS; licensing. (a) No person, firm [or], corporation OR OTHER ENTITY, or any officer or employee thereof, shall act in this state as [an] A BAIL agent or solicitor of an insurer or charitable bail organization doing a bail business in soliciting, negotiating or effectuating any such deposit or bail bond by such insurer or charitable bail organization unless licensed by the superintendent as [an] A BAIL agent pursuant to the provisions of this section. Any person, firm or corporation so acting without being duly licensed shall be guilty of a misdemeanor AND SHALL BE SUBJECT TO A PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH TRANSACTION.

(d) Any such license issued to a firm [or corporation] shall authorize only the members named in such license as sublicensees, to act individually as agents thereunder. Any [sublicense] LICENSE issued to a corporation shall authorize only the officers and directors named in such license as sublicensees, to act individually as agents thereunder. Every sublicensee, acting as [insurance] BAIL agent pursuant to a license issued to a firm or corporation, shall be authorized to act only in the name of such firm or corporation.

(e) Before the issuance of a license every applicant shall satisfy the superintendent as to his OR HER trustworthiness and competence and otherwise comply with the conditions set forth in this section. The superintendent may refuse to issue any such license if in [his] THE

SUPERINTENDENT'S judgment such refusal will best promote the interests of the people of this state.

(k) The superintendent may, upon notice and after a hearing, revoke or suspend, for such period as [he] THE SUPERINTENDENT may determine, any such license or sublicense issued pursuant to the provisions of this section if, after notice and hearing as specified in this chapter, [he] THE SUPERINTENDENT determines that the licensee or any sublicensee or any member of a firm or corporation [which] THAT is so licensed has:

(1) violated any provision of, or any obligation imposed by, [the insurance law] THIS CHAPTER, or has violated any other law of the state;

(2) has made a material misstatement in the application for such license;

(3) has been guilty of any fraudulent or dishonest practices or other misconduct or malfeasance;

(4) has charged or received, as premium or compensation for the making of any deposit or bail bond, any [sum in excess of that] FEE OR CONSIDERATION EXCEPT AS permitted by law;

(5) has required, as a condition of [his] executing a bail bond, that the principal agree to engage the services of a specified attorney; [or]

(6) has demonstrated [his] incompetency or untrustworthiness to act as a licensee;

(7) OBTAINED OR ATTEMPTED TO OBTAIN A LICENSE THROUGH MISREPRESENTATION OR FRAUD;

(8) IMPROPERLY WITHHELD, MISAPPROPRIATED OR CONVERTED ANY MONIES OR PROPERTIES RECEIVED IN THE COURSE OF BUSINESS IN THIS STATE OR ELSEWHERE;

(9) HAD A BAIL AGENT LICENSE OR ITS EQUIVALENT REVOKED IN ANY OTHER STATE, PROVINCE, DISTRICT, OR TERRITORY;

(10) FORGED ANOTHER PERSON'S NAME TO AN APPLICATION FOR BAIL OR ANY OTHER DOCUMENT RELATED TO BAIL TRANSACTIONS;

(11) FAILED TO COMPLY WITH AN ADMINISTRATIVE OR COURT ORDER IMPOSING A CHILD SUPPORT OBLIGATION;

(12) FAILED TO PAY STATE INCOME TAX OR COMPLY WITH ANY ADMINISTRATIVE OR COURT ORDER DIRECTING THE PAYMENT OF STATE INCOME TAX; OR

(13) FAILED TO RETURN COLLATERAL TO AN INDEMNITOR IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION SIX THOUSAND EIGHT HUNDRED TWELVE OF THIS ARTICLE.

S 3. The section heading of section 6803 of the insurance law, as amended by chapter 181 of the laws of 2012, is amended to read as follows:

Bail [bond] business; cities in excess of one hundred seventy-five thousand.

S 4. Section 6804 of the insurance law, subsection (a) as amended by chapter 400 of the laws of 1997, is amended to read as follows:

S 6804. Premium or compensation. (a) The premium or compensation for giving bail bond or depositing money or property as bail shall not exceed ten per centum of the amount of such bond or deposit in cases where such bonds or deposits do not exceed the sum of three thousand dollars. Where such bonds or deposits exceed the sum of three thousand dollars, the premium shall not exceed ten per centum of the first three thousand dollars and eight per centum of the excess amount over three thousand dollars up to ten thousand dollars and six per centum of the excess amount over ten thousand dollars. In cases where the amount of the bond or deposit is less than two hundred dollars a minimum premium of ten dollars may be charged.

(b) (1) No person or corporation shall:

[(1)] (A) charge, COLLECT, or receive, directly or indirectly, any [greater compensation for making a deposit for bail or giving bail, or act in such business as aforesaid without obtaining a license,] FEE OR CONSIDERATION FROM AN INDEMNITOR OTHER THAN THE PREMIUM BASED ON RATES IN CURRENT USE, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; or

[(2)] (B) accept any fee or compensation for obtaining a license or for obtaining a bondsman or bail bond.

(2) Such person or corporation shall be guilty of a misdemeanor and in addition shall in any action brought to recover any such overcharge be liable for treble damages.

(c) A BAIL AGENT MAY CHARGE AN INDEMNITOR A MAXIMUM FEE OF ONE HUNDRED DOLLARS FOR THE APPREHENSION OR SURRENDER OF A PRINCIPAL IN A CRIMINAL PROCEEDING UNLESS SUBSECTION (C) OF SECTION SIX THOUSAND EIGHT HUNDRED TWELVE OF THIS ARTICLE APPLIES.

(D) Any member of the bar having any financial interest by which he OR SHE is to profit from the giving of bail shall be guilty of a misdemeanor.

S 5. The insurance law is amended by adding eight new sections 6806, 6807, 6808, 6809, 6810, 6811, 6812 and 6813 to read as follows:

S 6806. REVOKED LICENSES. (A) (1) NO INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, OR OTHER ENTITY SUBJECT TO THE PROVISIONS OF THIS CHAPTER WHOSE LICENSE UNDER THIS ARTICLE HAS BEEN REVOKED, OR WHOSE LICENSE TO ENGAGE IN BAIL BUSINESS IN ANY CAPACITY HAS BEEN REVOKED BY ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, SHALL BECOME EMPLOYED FOR SERVICES OR SHALL BE APPOINTED AS AN OFFICER, DIRECTOR, MANAGER, OR CONTROLLING PERSON BY ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, OR ENTITY SUBJECT TO THE PROVISIONS OF THIS CHAPTER WITHOUT THE PRIOR WRITTEN APPROVAL OF THE SUPERINTENDENT.

(2) NO INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, OR OTHER ENTITY SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL KNOWINGLY APPOINT ANY PERSON OR ENTITY WHOSE LICENSE ISSUED UNDER THIS ARTICLE HAS BEEN REVOKED OR WHOSE LICENSE TO ENGAGE IN BAIL BUSINESS IN ANY CAPACITY HAS BEEN REVOKED BY ANY OTHER STATE OR TERRITORY OF THE UNITED STATES AS AN OFFICER, DIRECTOR, MANAGER, OR CONTROLLING PERSON WITHOUT THE WRITTEN APPROVAL OF THE SUPERINTENDENT.

(3) NO INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, OR OTHER ENTITY SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL KNOWINGLY EMPLOY FOR SERVICES ANY PERSON OR ENTITY WHOSE LICENSE UNDER THIS ARTICLE HAS BEEN REVOKED OR WHOSE LICENSE TO ENGAGE IN BAIL BUSINESS IN ANY CAPACITY HAS BEEN REVOKED BY ANY OTHER STATE OR TERRITORY OF THE UNITED STATES WITHOUT THE PRIOR WRITTEN APPROVAL OF THE SUPERINTENDENT.

(4) NO CORPORATION OR PARTNERSHIP SUBJECT TO THE PROVISIONS OF THIS CHAPTER SHALL KNOWINGLY PERMIT ANY PERSON WHOSE LICENSE ISSUED UNDER THIS ARTICLE HAS BEEN REVOKED TO BE A SHAREHOLDER OR HAVE AN INTEREST IN SUCH CORPORATION OR PARTNERSHIP, NOR SHALL ANY SUCH PERSON BECOME A SHAREHOLDER OR PARTNER IN SUCH CORPORATION OR PARTNERSHIP, WITHOUT THE PRIOR WRITTEN APPROVAL OF THE SUPERINTENDENT.

(5) FOR THE PURPOSE OF THIS SECTION, A "CONTROLLING PERSON" MEANS ANY PERSON WHO OR THAT DIRECTLY OR INDIRECTLY HAS THE POWER TO DIRECT OR CAUSE TO BE DIRECTED THE MANAGEMENT, CONTROL, OR ACTIVITIES OF THE LICENSEE.

(B) THE SUPERINTENDENT MAY APPROVE THE EMPLOYMENT, APPOINTMENT, OR PARTICIPATION OF ANY SUCH PERSON WHOSE LICENSE HAS BEEN REVOKED:

(1) IF THE SUPERINTENDENT DETERMINES THAT THE DUTIES AND RESPONSIBILITIES OF SUCH PERSON ARE SUBJECT TO APPROPRIATE SUPERVISION AND THAT SUCH DUTIES AND RESPONSIBILITIES SHALL NOT HAVE AN ADVERSE EFFECT UPON

THE PUBLIC, OTHER LICENSEES, OR THE LICENSEE PROPOSING THE EMPLOYING OR APPOINTMENT OF SUCH PERSON; OR

(2) IF SUCH PERSON HAS FILED AN APPLICATION FOR RELICENSING PURSUANT TO THIS ARTICLE AND THE APPLICATION FOR RELICENSING HAS NOT BEEN APPROVED OR DENIED WITHIN ONE HUNDRED TWENTY DAYS FOLLOWING THEREOF, UNLESS THE SUPERINTENDENT DETERMINES WITHIN THE SAID TIME THAT THE EMPLOYMENT OR APPOINTMENT OF SUCH PERSON BY A LICENSEE IN THE CONDUCT OF AN INSURANCE BUSINESS WOULD NOT BE IN THE PUBLIC INTEREST.

(C) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE OWNERSHIP OF SHARES OF ANY CORPORATION LICENSED PURSUANT TO THIS ARTICLE IF THE SHARES OF SUCH CORPORATION ARE PUBLICLY HELD AND TRADED IN THE OVER-THE-COUNTER MARKET OR UPON ANY NATIONAL OR REGIONAL SECURITIES EXCHANGE.

(D) THE PROVISIONS OF THIS SECTION SHALL APPLY TO RELATIONSHIPS CREATED OR PROPOSED ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, AS WELL AS TO ANY PERSON WHOSE LICENSE IS REVOKED ON OR AFTER SUCH DATE.

S 6807. DUTY TO HAVE AN AGENT AT EACH PLACE OF BUSINESS. EACH PLACE OF BUSINESS, INCLUDING ANY HEADQUARTERS LOCATION AND ANY SATELLITE OFFICE, ESTABLISHED BY THE HOLDER OF A BAIL AGENT LICENSE ISSUED PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED TWO OF THIS ARTICLE, SHALL BE UNDER THE SUPERVISION OF ONE OR MORE PERSONS LICENSED UNDER SUCH SECTION. WRITTEN NOTICE SHALL BE GIVEN TO THE SUPERINTENDENT CONTAINING THE LOCATION OF A SATELLITE OFFICE WITHIN TEN DAYS OF THE ESTABLISHMENT OF ANY SUCH OFFICE, AND SUCH NOTICE SHALL CONTAIN THE NAME OF THE LICENSED PERSON OR PERSONS SUPERVISING SUCH OFFICE.

S 6808. CHANGE OF ADDRESS. A HOLDER OF A BAIL AGENT LICENSE ISSUED PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED TWO OF THIS ARTICLE SHALL INFORM THE SUPERINTENDENT BY A MEANS ACCEPTABLE TO THE SUPERINTENDENT OF A CHANGE OF ADDRESS WITHIN THIRTY DAYS OF THE CHANGE.

S 6809. USE OF NAMES. EVERY HOLDER OF A BAIL AGENT LICENSE ISSUED PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED TWO OF THIS ARTICLE SHALL NOTIFY THE SUPERINTENDENT UPON CHANGING HIS, HER, OR ITS LEGAL NAME. EXCEPT FOR AN INDIVIDUAL LICENSEE'S OWN LEGAL NAME, NO LICENSEE SHALL USE ANY NAME IN CONDUCTING A BUSINESS REGULATED BY THIS ARTICLE THAT HAS NOT BEEN PREVIOUSLY APPROVED BY THE SUPERINTENDENT.

S 6810. REPORTS OF ADMINISTRATIVE ACTIONS AND CRIMINAL PROSECUTIONS. (A) A HOLDER OF A BAIL AGENT LICENSE ISSUED PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED TWO OF THIS ARTICLE SHALL REPORT TO THE SUPERINTENDENT ANY ADMINISTRATIVE ACTION TAKEN AGAINST THE LICENSEE IN ANOTHER JURISDICTION OR BY ANOTHER GOVERNMENTAL AGENCY IN THIS STATE WITHIN THIRTY DAYS OF THE FINAL DISPOSITION OF THE MATTER. THIS REPORT SHALL INCLUDE A COPY OF THE ORDER, CONSENT TO THE ORDER, OR OTHER RELEVANT LEGAL DOCUMENTS.

(B) WITHIN THIRTY DAYS OF THE INITIAL PRETRIAL HEARING DATE, THE HOLDER OF A BAIL AGENT LICENSE ISSUED PURSUANT TO SECTION SIX THOUSAND EIGHT HUNDRED TWO OF THIS ARTICLE SHALL REPORT TO THE SUPERINTENDENT ANY CRIMINAL PROSECUTION OF THE LICENSEE TAKEN IN ANY JURISDICTION. THIS REPORT SHALL INCLUDE A COPY OF THE INITIAL COMPLAINT FILED, THE ORDER RESULTING FROM THE HEARING, AND ANY OTHER RELEVANT LEGAL DOCUMENTS.

S 6811. CERTIFICATES OF APPOINTMENT TO ACT AS AGENT AND NOTICE OF TERMINATION. FOR THE PURPOSES OF SECTION TWO THOUSAND ONE HUNDRED TWELVE OF THIS CHAPTER, "INSURANCE AGENT" AND "INSURANCE PRODUCER" SHALL INCLUDE A BAIL AGENT.

S 6812. COLLATERAL. (A) EVERY BAIL AGENT ACTING AS SUCH IN THIS STATE SHALL BE RESPONSIBLE IN A FIDUCIARY CAPACITY FOR ALL FUNDS, COLLATERAL, OR ANYTHING ELSE OF VALUE RECEIVED OR COLLECTED AS A BAIL AGENT. COLLAT-

ERAL RECEIVED BY A BAIL AGENT SHALL BE HELD IN THE INSURER'S NAME. PRIOR TO ANY FORFEITURE OF BAIL WITHIN THE MEANING OF SECTION 540.10 OF THE CRIMINAL PROCEDURE LAW, A BAIL AGENT SHALL NOT MINGLE ANY SUCH FUNDS, COLLATERAL OR OTHER THING OF VALUE, WITH THE BAIL AGENT'S OWN FUNDS OR WITH FUNDS HELD BY THE BAIL AGENT IN ANY OTHER CAPACITY.

(B) A BAIL AGENT SHALL NOT USE COLLATERAL FOR PERSONAL BENEFIT OR GAIN. ALL COLLATERAL RECEIVED FROM AN INDEMNITOR BY A BAIL AGENT OR AN INSURER SHALL BE RETURNED TO THE INDEMNITOR IN THE SAME CONDITION AS RECEIVED NO LATER THAN THIRTY DAYS AFTER RECEIPT OF NOTICE OF EXONERATION OF BAIL, UNLESS THERE IS A FORFEITURE OF BAIL WITHIN THE MEANING OF SECTION 540.10 OF THE CRIMINAL PROCEDURE LAW, OR UNLESS DEDUCTIONS FROM COLLATERAL ARE SPECIFICALLY AUTHORIZED BY THIS ARTICLE OR REGULATIONS PROMULGATED THEREUNDER. IF A BAIL AGENT FAILS TO RETURN COLLATERAL TO AN INDEMNITOR IN ACCORDANCE WITH THIS SECTION, THEN THE INSURER SHALL BE LIABLE FOR THE COLLATERAL AND SHALL RETURN THE COLLATERAL TO THE INDEMNITOR OR, IN THE EVENT THAT THE INSURER CANNOT LOCATE THE COLLATERAL, THE INSURER SHALL PAY THE INDEMNITOR IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE SUPERINTENDENT.

(C) WHERE THERE HAS BEEN A FORFEITURE OF THE BAIL WITHIN THE MEANING OF SECTION 540.10 OF THE CRIMINAL PROCEDURE LAW, A BAIL AGENT OR INSURER MAY CHARGE AN INDEMNITOR THE ACTUAL AND REASONABLE COSTS NECESSARY TO APPREHEND AND SURRENDER A PRINCIPAL IN A CRIMINAL PROCEEDING PROVIDED SUCH COSTS ARE DOCUMENTED BY CHECK OR RECEIPT.

(D) AN INSURER SHALL PROMPTLY REFUND THE ENTIRE PREMIUM CHARGED FOR BAIL WHEN:

(1) THE INSURER HAD NO LIABILITY UNDER THE BAIL BOND BECAUSE THE PRINCIPAL IN THE CRIMINAL PROCEEDING DOES NOT COME UNDER THE JURISDICTION OF THE COURT TO WHICH THE DEFENDANT IS RETURNABLE;

(2) THE PRINCIPAL IS NOT RELEASED FROM CUSTODY; OR

(3) THE BAIL BOND IS NOT POSTED WITH THE COURT.

S 6813. NOTICE. (A) UPON ISSUANCE OF A BAIL BOND, THE BAIL AGENT SHALL PROVIDE TO THE PRINCIPAL AND, IF APPLICABLE, TO THE INDEMNITOR, AN INFORMATIONAL NOTICE THAT SHALL INCLUDE:

(1) A STATEMENT NOTING WITH PARTICULARITY THE RESTRICTIONS, IF ANY, PLACED ON THE PRINCIPAL AS A CONDITION OF THE BOND;

(2) A STATEMENT OF THE BAIL AGENT'S AUTHORITY RELATING TO THE CANCELLATION OF THE BOND AND RECOMMITMENT OF THE PRINCIPAL;

(3) THE NAME, ADDRESS, TELEPHONE NUMBER, AND WEBSITE ADDRESS OF THE DEPARTMENT FOR COMPLAINTS OR INQUIRIES; AND

(4) SUCH OTHER INFORMATION THE SUPERINTENDENT MAY REQUIRE.

(B) A BAIL AGENT THAT SURRENDERS OR RECOMMITS A PRINCIPAL SHALL PROVIDE THE PRINCIPAL WITH A STATEMENT OF SURRENDER. THE STATEMENT SHALL BE SIGNED BY THE BAIL AGENT AND SHALL STATE THE REASON FOR THE SURRENDER. A COPY OF THE STATEMENT SHALL BE PROVIDED TO THE COURT AT THE TIME THE PRINCIPAL IS SURRENDERED AND A COPY MAINTAINED BY THE BAIL AGENT IN THE PRINCIPAL'S FILE FOR AT LEAST SIX YEARS FROM THE DATE OF SURRENDER.

(C) THE SUPERINTENDENT MAY PRESCRIBE FORMS TO EFFECTUATE THIS SECTION.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that effective immediately, the superintendent of financial services may promulgate any rules and regulations necessary for the implementation of the provisions of this act on its effective date.