

STATE OF NEW YORK

5328

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sen. BAILEY -- 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 licensing of bail bond agents

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsections (c), (g), (h), (j) and (m) of section 6802 of
2 the insurance law, subsections (c), (h) and (m) as amended by chapter
3 181 of the laws of 2012, subsection (g) as amended by chapter 164 of the
4 laws of 2003, are amended and a new subsection (g-1) is added to read as
5 follows:

6 (c) The superintendent [~~may, in the superintendent's discretion,~~
7 shall issue to any person, firm or corporation a license to act as an
8 agent of an authorized insurer or charitable bail organization, in
9 soliciting, negotiating or effectuating any such deposit or bail bond by
10 such insurer or any such deposit by such charitable bail organization,
11 if such person meets the requirements for licensure pursuant to this
12 section.

13 (g) Every applicant for a license hereunder shall file with the super-
14 intendent written evidence by those who know [~~his~~] such applicant's
15 character and reputation and by such other proof as the superintendent
16 may require, [~~including his fingerprints,~~] that [~~he~~] such applicant is a
17 person of good character and reputation and has never been convicted of
18 any offense involving moral turpitude or of any crime. If such applicant
19 is a firm or corporation such proof must be made with respect to every
20 member, shareholder, officer and director of such firm or corporation.
21 Every applicant for licensure and for renewal of a license shall submit
22 such applicant's fingerprints to the superintendent. Such fingerprints
23 shall be submitted to the division of criminal justice services for a
24 state criminal history record check, as defined in subdivision one of
25 section three thousand thirty-five of the education law, and may be

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

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1 submitted to the federal bureau of investigation for a national criminal
2 history record check.

3 (g-1) Every applicant shall have successfully completed a twenty-four
4 hour pre-licensing course of classroom instruction. Such course shall
5 include information specifying: the requirements for licensure; relevant
6 state laws concerning bail bond agents including insurance law; criminal
7 procedure law and general business law; bond posting procedures in the
8 various counties within the state; requirements for undertaking an affi-
9 davit; release orders; bond fees and related costs and expenses;
10 elements of bail contracts; legal requirements for operating a bail bond
11 agency; court practices and procedures; statutes relating to forfei-
12 tures; statutes relating to bail enforcement; safety procedures and
13 recommended practices for enforcement; and current rules and regulations
14 of the department of financial services regarding bail agents.

15 (h) In order to determine the competence of each applicant for a
16 license or a sublicense, the superintendent shall require every appli-
17 cant to [~~pass to the satisfaction of the superintendent~~] achieve a score
18 of at least seventy-five percent on a written examination to be prepared
19 by the superintendent and appropriate to the doing of a bail business.
20 If the applicant or any proposed sublicensee intends to maintain an
21 office or solicit, negotiate, effectuate or deposit bail on behalf of
22 another in any city containing a population of more than one hundred
23 seventy-five thousand, such written examination may inquire into the
24 applicant's knowledge of the pertinent provisions of the criminal proce-
25 dure law and the pertinent rules and practices of the courts and
26 district attorneys' offices within the area of the applicant's proposed
27 operations. Such examination shall be held at such times and places as
28 the superintendent shall determine.

29 (j) Every applicant for any such license shall file with the super-
30 intendent, at the time of application, a qualifying bond, approved by
31 the attorney general as to form and by the superintendent as to suffi-
32 ciency, in a penalty of five thousand dollars, conditioned upon the
33 faithful performance of the duties of such licensee. No such qualifying
34 bond shall be subject to termination or cancellation by either party in
35 less than sixty days after the giving of written notice to the other
36 party and to the superintendent. A termination or cancellation shall not
37 affect the liability of the surety or sureties on such bond incurred
38 prior to the effective date of such termination or cancellation. If
39 during the term of such bond such licensee shall be guilty of fraudulent
40 or dishonest conduct or other misconduct or malfeasance in [~~his~~] such
41 licensee's dealings with any court or magistrate or with any person or
42 corporation in connection with any deposit or bail bond, the attorney
43 general may maintain an action on such qualifying bond in the name of
44 the people of this state and either recover the full amount of the
45 penalty or recover for the use and benefit of the person or persons
46 aggrieved, the amount of loss or injury sustained by such person or
47 persons by reason of such misconduct. No such recovery or recoveries
48 shall exceed in the aggregate five thousand dollars, exclusive of inter-
49 est and costs.

50 (m) Every license issued to an officer, employee, or agent of an
51 insurer or charitable bail organization doing a bail business pursuant
52 to this section shall be for a term expiring on the thirty-first day of
53 December of even numbered years and may be renewed for the ensuing two
54 calendar years upon the filing of a renewal application and the
55 completion of twelve hours of instruction consisting of courses intended
56 to update or reinforce the materials and information presented in

1 accordance with the provisions of subsection (g-1) of this section. The
2 superintendent may refuse to issue any such license if in the super-
3 intendent's judgment such refusal will best promote the interests of the
4 people of this state. Every such licensee and sublicensee shall file an
5 information statement on or before the thirty-first day of December of
6 each even numbered year, the form and subject matter of which may be
7 prescribed by the superintendent.

8 § 2. This act shall take effect on the ninetieth day after it shall
9 have become a law and shall apply to licenses issued and renewed on and
10 after such date.