



Ohio Administrative Code Rule 3901-1-66 Surety bail bond agent conduct.

Effective: December 14, 2008

(A) Purpose. The purpose of this rule is to establish criteria for surety bail bond agent conduct.

(B) Authority. This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041 and 3905.95 of the Revised Code.

(C) Definitions. As used in this rule:

(1) "Cash bond" means the full amount of the bail required to be paid in cash to release a defendant from jail.

(2) "Power of attorney" means a legal instrument that is used by a authorized surety company to delegate authority to a licensed general agent or surety bail bond agent for the posting of surety bail bonds with a court of law up to a specified monetary amount.

(3) "Surety bail bond" means a court accepted bond instrument from a licensed insurance company issued for or on behalf of an incarcerated person held under criminal charges in any Ohio mayor, municipal, county, or federal court.

(4) "Immigration bond" means a federally accepted bond instrument from a surety company approved by the United States department of treasury issued for and on behalf of alien detainees held by United States immigration and customs enforcement, within the department of homeland security pending a hearing or court appearance; or to guarantee that an alien will be financially independent during a lawful visit or prolonged stay to the United States.

(D) Stacking bonds prohibited.

A surety bail bond agent shall not submit more than one power of attorney for any single bond, charge or charges, as is assigned a number by a court of proper jurisdiction.



(E) Submitting powers and bonds

(1) All surety bail bonds submitted to the court or the custodian of an arrested person must be accompanied by a current, non-expired, legal power of attorney.

(2) Only one power of attorney shall be submitted per bond. The face value of the power shall be equal to or greater than the amount of the bond set by the court in the single charge or charges for which the bond and power are being submitted.

(3) No power of attorney that has been altered or erased shall be submitted to a court or insurance company.

(4) No expired power of attorney shall be submitted to a court or insurance company.

(5) No power of attorney shall be used or submitted to a court or insurance company more than once.

(F) Immigration bonds

Immigration bonds may be solicited, sold, or negotiated only by:

(1) A person holding an Ohio insurance license with a casualty line of authority conferred pursuant to Title 39 of the Revised Code.

(2) A person holding an Ohio surety bail bond line of authority conferred pursuant to Title 39 of the Revised Code, who has been given a bond power that expressly allows for the writing of an immigration bond.

(G) Bond money from loan companies

No surety bail bond agent shall be employed by, contracted with, or act as an agent for, or own an ownership interest in any person or business entity that loans money for, or takes collateral for the loan of money for, the purpose of posting a cash bond or surety bail bond on behalf of a defendant.



(H) Real property as collateral

When accepting real property as collateral for a bond,

(1) A surety bail bond agent shall not require the transfer of title of any real property as a condition of issuing the bail bond.

(2) A surety bail bond agent may require a defendant, or anyone agreeing to provide real property as collateral on a defendant's behalf, to establish title and unencumbered value, at the defendant's expense, together with mortgage security or other documents necessary to establish the surety bail bond agent's lien interest in the real property by the bail agent.

(3) A surety bail bond agent shall not provide title, notary, or lien filing services directly or indirectly to the client or defendant for a fee. A surety bail bond agent shall not receive any valuable consideration for referring a person for title, notary, or lien filing services.

(4) Return of security document collateral:

(a) If the security document has not been filed with the state or a division of the state to perfect the lien, and the bond has not been called or otherwise needed or used, the original mortgage or other security document must be stamped cancelled and returned to the client or defendant within twenty-one days from the end of the bond.

(b) If the security document has been filed with the state or a division of the state to perfect the lien, and the bond has not been called or otherwise needed or used, a release of the mortgage or release of the other security document must be completed within twenty-one days after the end of the bond. A copy of the release containing an official date/time stamp must be provided to the client within twenty-six days after the end of the bond.

(I) Solicitation

(1) The following activities shall constitute prohibited solicitation by a surety bail bond agent on the



grounds of a courthouse or detention facility:

(a) Approaching a person not currently a client and in any way initiating communication concerning bail bond services.

(b) Writing bonds for an individual without their direct knowledge and consent.

(c) Communicating as, or holding oneself out to be, a court appointed surety bail bond agent or suggesting in any manner that one has been appointed by a court or other public agency to write a bond for a particular defendant, or on a particular case.

(d) Wearing clothing that indicates a person is in the bail bond industry unless otherwise directed by the court or detention facility, except the wearing of the issued department of insurance ID card.

(e) Conducting business in a loud and conspicuous manner.

(f) Distributing a business card, pen, or any other item, that identifies an individual or business entity as providing surety bail bond services.

(g) Physically impeding, blocking, or hindering the public from viewing or obtaining the docket or other information needed to ascertain the status or procedure of any court process including all court bonding processes.

(h) Engaging or hiring any person, directly or indirectly, to perform any acts listed in paragraphs (I)(1)(a) to (I)(1)(g) of this paragraph.

(i) Any other activity that may be construed as the sale or solicitation of surety bail bonds.

(2) The following activities shall not constitute prohibited solicitation by a surety bail bond agent on the grounds of a courthouse or detention facility subject to the limitations of paragraph (I)(1) of this rule:

(a) Having personal business matters before a court or detention facility;



- (b) Attending a scheduled hearing or meeting with any person(s) regarding surety bail bonds as long as the meeting is arranged with the person(s) prior to the arrival at the courthouse or detention facility;
- (c) Being retained by a person to write and post a surety bail bond;
- (d) Gathering court and docket information for business purposes;
- (e) Writing a bond and posting a bond with the court;
- (f) Returning a fugitive from justice pursuant to section 2927.27 of the Revised Code;
- (g) Notifying a court, or detention facility of professional activities being conducted by the surety bail bond agent, other than solicitation; or
- (h) Filing required paperwork with the court or detention facility regarding bonds, prisoners, bail bond license status, or fugitives.

(J) Severability

If any section, term or provision of this rule is adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term or provision of this rule, but the remaining sections, terms and provisions shall be and continue in full force and effect.