

CHAPTER 2
FORMERLY
HOUSE BILL NO. 47
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE PERMITTING BAIL AGENTS TO ALSO ACT AS PROPERTY BAIL AGENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE :

Section 1. Amend § 4332(a), Title 18, Delaware Code by adding a new sentence thereto to read as follows: “A bail agent may also act as a property bail agent.”.

Section 2. Amend § 4332(L), Title 18, Delaware Code by deleting said subsection and substituting in lieu thereof the following:

“‘Property bail agent’ means any person who pledges United States currency, United State postal money orders or cashier’s checks or other property as security or surety for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value. Unless otherwise prohibited by this chapter, a bail agent or licensee under this subchapter may also act as a property bail agent. A property bail agent who is not a licensee appointed by an insurer under this chapter shall be obligated to pay any and all taxes, fees or the like for which any insurer would be obligated under this Title. A property bail agent who is not licensed as an insurance producer shall be subject to the jurisdiction of the Department of Insurance and be obligated to meet all of the requirements of this subchapter and Chapter 17 of this Title insofar as they apply to bail agents.”.

Section 3. Amend § 4344, Title 18, Delaware Code by deleting subsections “(e)” and “(f)”.

Section 4. Any person holding a valid license as a bail bondsman or surety from the Department of Insurance on the effective date of this Act shall be entitled to have that license reissued according to the provisions of this Act without further cost or without meeting the initial background and educational qualifications set forth in the Act for new applicants for a license so long as that reissue is applied for and completed within six (6) months of the effective date of this Act and the licensee pays all fees required and meets all of the other requirements for licensure set forth in the law. All existing licenses shall automatically be terminated six (6) months after the effective date hereunder and any person who did not obtain a re-issued license will be treated as a new applicant for licensure by the Department. Any person eligible for licensure under this Section who is in default of any obligation to any insurer or court, who has been convicted of a felony, or who has had his or her privileges suspended or revoked by a court shall be prohibited from obtaining a license under this Section and shall be obligated to file for licensure as a new applicant under the law.

Section 5. If any provision of this Act or the application of any such provision to any person or circumstance shall be held invalid, unenforceable or unconstitutional, the remainder of such provisions and the application of such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected.

Approved January 29, 2009