

to R.S. 22:1810.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1811, R.S. 22:3 and R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 24:1123 (June 1998).

#### §4711. Severability

A. If any provision of item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, item, or application.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1811, R.S. 22:3 and R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 24:1123 (June 1998), amended by Louisiana Legislature, House Concurrent Resolution Number 135 of the 2001 Regular Session, LR 27:1102 (July 2001).

#### §4713. Effective Date

A. This regulation shall take effect on June 20, 1998.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:1811, R.S. 22:3 and R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 24:1123 (June 1998).

## Chapter 49. Regulation 65—Bail Bond Licensing Requirements/Bounty Hunter

#### §4901. Purpose

A. The purpose of this regulation is to establish licensing guidelines and other requirements for persons engaging in the apprehension or surrender of a bail bond principal.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:706 (April 1999), amended LR 47:1326 (September 2021).

#### §4903. Definitions

A. The following terms when used in this Chapter shall have the following meanings.

*Bail Bond Producer*—a person who holds an insurance producer license for the line of bail bonds and engages in the apprehension or surrender of persons who are released on bail or who failed to appear at any stage of the proceedings to answer the charge before the court in which they may be prosecuted.

*Bail Enforcement*—the apprehension or surrender of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which they may be prosecuted. For the purposes of this regulation, bail enforcement shall include those activities commonly known as bail recovery, fugitive recovery or bounty hunting.

*Commissioner*—the Louisiana Commissioner of Insurance.

*Department*—the Louisiana Department of Insurance.

*Insurer*—any domestic, foreign or alien insurance corporation or association engaged in the business of insurance or suretyship which has qualified to transact surety business in this state.

*Surrender*—as defined by the L.A.-CCRP Article 311.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:707 (April 1999), amended LR 47:1327 (September 2021).

#### §4905. Bail Recovery Agent License Requirements for Louisiana

A. In order to engage in, transact, or assist in bail enforcement, a person must be a duly licensed bail bond producer pursuant to Chapter 5 of Part I of the Louisiana Insurance Code.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:707 (April 1999), amended LR 47:1328 (September 2021).

#### §4907. Non-Resident Bail Enforcement Requirements

A. Bail enforcement persons from other states must be licensed bail bond producers in the state where the bond was written or otherwise be duly authorized to transact bail enforcement in that state and shall act in association with a local bail bond producer duly licensed by the Louisiana Department of Insurance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:707 (April 1999), amended LR 47:1327 (September 2021).

#### §4909. Non-Resident Bail Enforcement Procedure and Notification Requirements

A. In order for a bail enforcement person from another state to transact a surrender or apprehension of a principal in Louisiana, the following shall be done.

1. Before conducting a surrender or an apprehension of a principal, a bail enforcement person from another state shall notify local law enforcement.

2. A bail enforcement person from another state must have in their possession certified copies of material needed to identify the principal. Said materials shall be:

a. a judgement of bond forfeiture or court order of failure to appear and/or certified copy of the bond and/or the agent's duly executed copy of the contract;

b. a photograph of the principal; and

c. documentation reflecting that person is duly authorized to transact bail enforcement by the state where the bond was written.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:707 (April 1999), amended LR 47:1327 (September 2021).

#### **§4911. In State Bail Enforcement Procedure and Notification Requirement**

A. In order to engage in bail enforcement, the following shall be done.

1. Before conducting a bail enforcement, the bail bond producer shall notify local law enforcement in the parish or city where the principal is sought unless exigent circumstances exist.

2. The bail bond producer shall be required to wear identifying clothing while conducting bail enforcement in a private residence.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:707 (April 1999), amended LR 47:1327 (September 2021).

#### **§4913. Prohibited Acts**

A. No licensed bail bond producer shall improperly withhold, misappropriate, fail to timely remit premiums and reports of bonds written, or convert to one's own use any monies belonging to principals, sureties and underwriters, or others possessed in the course of the business of insurance.

B. No licensed bail bond producer shall perform bail enforcement in pursuit of any principal released on bail for nonpayment of premium. The surrender of a principal in violation of this subsection shall entitle the principal to the return of any premium paid.

C. No licensed bail bond producer shall remove or have removed any bail bond power of attorney from the clerk of court or sheriff.

D. No licensed bail bond producer shall transact or engage in bail enforcement with the assistance of an unlicensed person.

E. Commercial sureties will need to comply with the requirements of R.S. 22:1441.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:708 (April 1999), amended LR 47:1327 (September 2021).

#### **§4915. Enforcement of Regulation**

A. The commissioner is vested with the authority to enforce this regulation. The department may conduct investigations or request other state, parish or local officials

to conduct investigations.

B.1. Violations of this Section are governed by Part I of Chapter 5 (Producers) and Part IV of Chapter 7 (Unfair Trade Practices) of the Louisiana Insurance Code.

2. The commissioner shall impose penalties, sanctions or fines as delineated in Part I of Chapter 5 and Part IV of Chapter 7 of the Louisiana Insurance Code.

C. The commissioner may promulgate such rules and regulations as may be deemed necessary for the enforcement of this regulation. The department shall impose penalties, sanctions or fines as delineated in the Louisiana Insurance Code and collect such fines as necessary for the enforcement of such rules and regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:708 (April 1999), amended LR 47:1327 (September 2021).

#### **§4917. Effective Date**

A. This regulation shall become effective on final publication in the *Louisiana Register*.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:13, 22:822, 22:1211, 22:1441, 22:1443, 22:1543, 22:1547, and 22:1556.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Commissioner of Insurance, LR 25:708 (April 1999), amended LR 47:1328 (September 2021).

## **Chapter 51. Regulation 66—Requirements for Officers, Directors, and Trustees of Domestic Regulated Entities**

### **§5101. Authority**

A. Regulation 66 is promulgated pursuant to the authority vested in the commissioner under the Louisiana Insurance Code, R.S. 22:1 et seq.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 258, 372, 392, 467, 1772, 1804, 1922, and 2198, R.S. 23:1200.1, and R.S. 33:1348 and 1358.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 40:795 (April 2014).

### **§5103. Purpose**

#### **[Formerly §5101]**

A. The purpose of Regulation 66 is to require that officers, directors and trustees of domestic regulated entities, as herein defined, file biographical and other applicable, relevant, and appropriate information with the commissioner for review and approval. The purpose of this review and approval is to determine and ensure that a domestic regulated entity continues to meet minimum standards with regard to its officers, directors, and trustees.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 258, 372, 392, 467, 1772, 1804, 1922, and 2198, R.S. 23:1200.1, and R.S. 33:1348 and 1358.

**HISTORICAL NOTE:** Promulgated by the Department of