



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

July 13, 2021

The Honorable Patrick Page Cortez  
President, Louisiana State Senate  
P.O. Box 94183  
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION  
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The Honorable Clay Schexnayder  
Speaker, Louisiana House of Representatives  
P.O. Box 94062  
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION  
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The Honorable Kirk Talbot  
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Baton Rouge, LA 70804

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RE: Summary Report – Regulation 65 – Bail Bond Licensing  
Requirements/Bounty Hunter

Dear President Cortez, Speaker Schexnayder, Senator Talbot, and Representative Brown:

The Louisiana Department of Insurance (LDI) hereby submits the following summary report required by La. R.S. 49:968(D)(1)(b), and announces its intention to proceed to finalize Regulation 65, which was published as a Notice of Intent in the June 2021 edition of the *Louisiana Register*.

Interested persons were provided an opportunity to submit comments to the LDI on the proposed regulation. The LDI did not receive any written or oral comments by the expiration of the comment period.

Subject to legislative oversight, the LDI intends to submit the proposed amendment to Regulation 65 to the Office of the State Register for final publication in the September 2021 edition of the Louisiana Register. A copy of the summary report will be placed on the LDI's website in accordance with La. R.S. 49:968(D)(1)(c).

If you have any questions or need any additional information, please contact me at (225) 342-6621, or electronically at [jennifer.land@ldi.la.gov](mailto:jennifer.land@ldi.la.gov).

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Enclosure: Notice of Intent to Amend Regulation 65 – Bail Bond Licensing Requirements/Bounty Hunter

reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a reciprocal jurisdiction as defined in this regulation.

I. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will provide for the establishment of credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a reciprocal jurisdiction as defined and established by this regulation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no impact upon competition and employment in the state.

Denise Gardner  
Chief of Staff  
2106#056

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

**Regulation 65—Bail Bond Licensing  
Requirements/Bounty Hunter  
(LAC 37:XIII.Chapter 49)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 and 22:11 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 65—Bail Bond Licensing Requirements/Bounty Hunter. Regulation 65 requires the mandatory licensing of persons engaging in the apprehension or surrender of a bail bond principal on behalf of insurance companies. This regulation establishes both in state and out of state bail enforcement procedures, as well as notification requirements. Additionally, the regulation outlines the hearing process and fines as delineated in the Louisiana Insurance Code. This regulation enables the Commissioner of Insurance to regulate the bail bond industry and eliminate and penalize those individuals for unsafe practices, which are a threat to the public health, safety, and welfare. The purpose of the amendment to Regulation 65 is to update citations of law, to remove the pre-licensing and continuing education requirements, as those requirements are now included in the recently amended Rule 9—Prelicensing Education and Rule 10—Continuing Education, and to update definitions in compliance with newly enacted laws since the promulgation of Regulation 65.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**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:

**§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:

**§4905. Bail Enforcement 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:

**§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:

**§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. - c. ...

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:

**§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:

**§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:

**§4915. Enforcement of Regulation**

A. ...

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. ...

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:

**§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:

**Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., July 12, 2021.

James J. Donelon  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 65—Bail Bond Licensing Requirements/Bounty Hunter**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in implementation costs or savings to state or local governmental units. The proposed rule change amends Regulation 65 – Bail Bond Licensing Requirements/Bounty Hunter by removing the pre-licensing and continuing education requirements since these requirements are now included in the recently amended Rule 9 – Prelicensing Education and Rule 10 – Continuing Education as well as updates law citations and definitions.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will have no impact on state or local governmental revenues.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule changes will have no impact on economic costs or benefits to directly affected persons or non-governmental groups. The amendment removes the pre-licensing and continuing education requirements since these requirements are now included in the recently amended Rule 9 and 10.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will have no impact upon competition and employment in the state.

Denise Gardner  
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