

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 348**

BY Senator Woodrum

[Introduced January 20, 2023; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to  
2 authorizing the Insurance Commission to promulgate a legislative rule relating to bail  
3 bondsmen in criminal case.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-7-1. Insurance Commission.**

1 The legislative rule filed in the State Register on August 17, 2022, authorized under the  
2 authority of §51-10-8 of this code, modified by the Insurance Commission to meet the objections of  
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 4,  
4 2022, relating to the Insurance Commission (bail bondsmen in criminal case, [114 CSR 103](#)), is  
5 authorized with the amendments set forth below:

6 The Legislative Rule Making Review Committee moved to amend the rule on page 1,  
7 section 2, by striking from the text of section 2.4.1 the words "also referred to as "surety  
8 bondsmen."";

9 On page 1, section 2, by striking from the text of section 2.4.2 the words "also referred to as  
10 "professional bondsmen."";

11 On page 2, section 2, by striking out the text of section 2.9 in its entirety and inserting in lieu  
12 thereof the following text: "2.9. "Professional bondsman" means any person who has been  
13 approved and licensed by the Commissioner, and who pledges cash, an irrevocable letter of  
14 credit, an annuity purchased through an insurance company licensed and in good standing in this  
15 State, a bond issued by an insurance company licensed and in good standing in this State, or real  
16 estate with the Commissioner as security for bail bonds written in connection with a judicial  
17 proceeding, and charges, receives or is promised money or other things of value in exchange for  
18 his or her services.";

19 On page 2, section 2, by striking out the text of section 2.10 in its entirety and inserting in  
20 lieu thereof the following text: "2.10. "Securities" or "approved securities" means cash, an  
21 irrevocable letter of credit, an annuity purchased through an insurance company licensed and in  
22 good standing in this State, a bond issued by an insurance company licensed and in good  
23 standing in this State, a qualified power of attorney issued by an insurer pursuant to a producer  
24 underwriting agreement, or real estate located in this State that is unencumbered in, at least, the  
25 amount of minimum financial responsibility required as set forth in this rule.";

26 On page 2, section 2, by striking out the text of section 2.11 in its entirety and inserting in  
27 lieu thereof the following text:

28 "2.11. "Surety bondsman" means a person who:

29 2.11.1. Has been approved and licensed by the Commissioner as an insurance  
30 producer with a property and casualty line of authority and appointed by an insurer to execute or  
31 countersign bail bonds for the insurer through a qualified power of attorney in connection with  
32 judicial proceedings and charges, receives or is promised money or other things of value in  
33 exchange for his or her services; or

34 2.11.2. Posts approved security by providing the Commissioner with a qualified  
35 power of attorney issued by an insurer pursuant to a producer underwriting agreement and being  
36 approved and licensed by the Commissioner as an insurance producer with a limited lines surety  
37 line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer in  
38 connection with judicial proceedings and charges, receives or is promised money or other things  
39 of value in exchange for his or her services."

40 And,

41 On page 3, section 3, by striking from the text of section 3.2.1.b the words "is a licensed  
42 insurance producer with a property and casualty line of authority, and".

NOTE: The purpose of this bill is to authorize the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal case.

This section is new; therefore, strike-throughs and underscoring have been omitted.