

811.3 Qualification and examination of surety.

1. *a.* Insurance companies doing business in this state under the provisions of [section 515.48, subsection 2](#), may act as surety. Resident owners of property that is located within the state and that is worth the amount specified in the undertaking may act as surety and must in all cases justify by an affidavit taken before an officer authorized to administer oaths that such surety possesses such qualifications.

b. A company acting as surety shall not engage in conduct or activities substantially similar to those of a bail enforcement agent or bail enforcement business, as those terms are defined in [section 80A.1](#), without receiving a license from the department of public safety as specified in [chapter 80A](#).

2. In taking bail each signer may justify severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to one sufficient bail.

3. The court in which the action is pending, or the clerk thereof, or magistrate may require the personal appearance of sureties offered, and may thereupon further examine them upon oath concerning their sufficiency, and may also receive other evidence for or against the sufficiency of the bail. When such examination is closed, the official conducting such examination must make an order, either allowing or disallowing the bail, and forthwith cause the same, with the affidavits or justification and undertaking of bail, to be filed with the clerk of the court to which the papers on the preliminary examination are required to be sent.

[C51, §3220 – 3224; R60, §4969 – 4973; C73, §4575 – 4579; C97, §5507 – 5510; C24, 27, 31, 35, 39, §13619 – 13622; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §763.11 – 763.14; C79, 81, §811.3]
[2024 Acts, ch 1028, §2](#)

Subsection 1 amended