HOUSE FILE 2164
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 547)

(As Amended and Passed by the House March 18, 2024)
[= New Language by the House

A BILL FOR

An Act relating to insurance companies acting as surety for bail bonds, including licensure requirements to act as a bail enforcement agent or business.

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

Section 1. Section 80A.2, subsection 3, Code 2024, is amended to read as follows:

3. A person employed full or part-time by one employer in connection with the affairs of the employer, except for a person employed by a surety licensed pursuant to chapter 811 who is acting as a bail enforcement agent.

Sec. 2. Section 811.3, subsection 1, Code 2024, is amended to read as follows:

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 ~~which~~ that is located within the state and ~~which~~ 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.

Sec. 3. Section 811.8, subsection 1, Code 2024, is amended to read as follows:

1. At any time before the forfeiture of the undertaking, the surety may surrender the defendant, or the defendant may surrender, to the officer to whose custody the defendant was committed at the time of giving bail, and such officer shall detain the defendant as upon a commitment and must, upon such surrender and the receipt of a certified copy of the undertaking of bail, acknowledge the surrender by a certificate in writing. 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.

[Sec. 4. Section 811.8, subsection 3, Code 2024, is amended by striking the subsection.]

Sec. 5. Section 811.12, subsection 2, paragraph d, Code 2024, is amended by striking the paragraph.