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House BILL NO. *401*

INTRODUCED BY *Barnett* *Mc Culloch*

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING BAIL; EXEMPTING PERSONS WHO ONLY EXECUTE SURETY BAIL BONDS FROM INSURANCE PRODUCER CONTINUING EDUCATION REQUIREMENTS; REQUIRING THE PROSECUTOR TO MAKE A WRITTEN MOTION FOR REVOCATION OF AN ORDER OF RELEASE; EXTENDING THE TIME IN WHICH A SURETY MAY APPEAR TO EXCUSE THE DEFENDANT'S FAILURE TO APPEAR; REQUIRING THE ISSUANCE OF AN ARREST WARRANT FOR A VIOLATION OF A CONDITION OF RELEASE; REQUIRING THE FORFEITURE OF BAIL TO BE RELEASED IN CERTAIN INSTANCES; REVISING THE CONDITIONS UNDER WHICH A BAIL BOND MUST BE EXONERATED; AND AMENDING SECTIONS 33-17-1203 AND 46-9-503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-17-1203, MCA, is amended to read:

"33-17-1203. Continuing education -- basic requirements -- exceptions. (1) Unless exempt under subsection (4):

(a) a person licensed to act as an insurance producer for property, casualty, surety, or title insurance or as a consultant for general insurance shall, during each calendar year, complete at least 10 credit hours of approved continuing education;

(b) a person licensed to act as an insurance producer for life or disability insurance or as a consultant for life insurance shall, during each calendar year, complete at least 10 credit hours of approved continuing education;

(c) a person holding multiple licenses shall, during each calendar year, complete at least 15 credit hours of approved continuing education;

(d) a person licensed to act as an insurance producer only for credit life and disability insurance shall, during each calendar year, complete 5 credit hours of approved continuing education in the areas of insurance law, ethics, or credit life and disability insurance;

(e) a person licensed as an insurance producer or consultant shall, during each biennium, complete at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and



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1 administrative rules.

2 (2) If a person licensed as an insurance producer or consultant completes more credit hours of
3 approved continuing education in a year than the minimum required in subsection (1), the excess credit
4 hours may be carried forward and applied to the continuing education requirements of the next year.

5 (3) The commissioner may, for good cause shown, grant an extension of time, not to exceed 1
6 year, during which the requirements imposed by subsection (1) may be completed.

7 (4) The minimum continuing education requirements do not apply to:

8 (a) a person licensed to sell any kind of insurance for which an examination is not required under
9 33-17-212(7)(d) through (7)(g);

10 (b) a person holding a temporary license issued under 33-17-216;

11 (c) a nonresident licensee who must meet continuing education requirements in the licensee's state
12 of residence if that state accords substantially similar privileges to and has similar requirements of residents
13 of this state;

14 (d) a newly licensed insurance producer or consultant during the calendar year in which the
15 licensee first received a license; or

16 (e) a person who only executes surety bail bonds; or

17 ~~(f)~~ (f) an insurance producer or consultant otherwise exempted by the commissioner."

18

19 **Section 2.** Section 46-9-503, MCA, is amended to read:

20 "**46-9-503. Violation of release condition -- forfeiture.** (1) If a defendant violates a condition of
21 release, including failure to appear, the prosecutor ~~may~~ shall make a written motion to the court for
22 revocation of the order of release. A judge ~~may~~ shall issue a warrant for the arrest of a defendant charged
23 with violating a condition of release. Upon arrest, the defendant must be brought before a judge in
24 accordance with 46-7-101.

25 (2) If a defendant fails to appear before a court as required and bail has been posted, the judge may
26 declare the bail forfeited. Notice of the order of forfeiture must be mailed to the defendant and the
27 defendant's sureties at their last-known address within 10 working days or the bond becomes void and
28 must be released and returned to the surety within 5 working days.

29 (3) If at any time within ~~30~~ 90 days after the forfeiture the defendant's sureties appear and
30 satisfactorily excuse the defendant's failure to appear, the judge ~~may~~ shall direct the forfeiture to be

1 discharged upon terms as may be just. If at any time within 90 days after the forfeiture the defendant
2 appears and satisfactorily excuses the defendant's failure to appear, the judge shall direct the forfeiture to
3 be discharged upon terms as may be just.

4 (4) The surety bail bond must be exonerated upon proof of the defendant's death, incarceration,
5 or subjection to court-ordered treatment in a foreign jurisdiction that inhibits the retrieval of the defendant
6 by the surety."

7 -END-

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19 insurance or as a consultant for general insurance shall, during each calendar year, complete at least 10
20 credit hours of approved continuing education;

21 (b) a person licensed to act as an insurance producer for life or disability insurance or as a
22 consultant for life insurance shall, during each calendar year, complete at least 10 credit hours of approved
23 continuing education;

24 (c) a person holding multiple licenses shall, during each calendar year, complete at least 15 credit
25 hours of approved continuing education;

26 (d) a person licensed to act as an insurance producer only for credit life and disability insurance
27 shall, during each calendar year, complete 5 credit hours of approved continuing education in the areas of
28 insurance law, ethics, or credit life and disability insurance;

29 (e) a person licensed as an insurance producer or consultant shall, during each biennium, complete
30 at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and

1 administrative rules.

2 (2) If a person licensed as an insurance producer or consultant completes more credit hours of
3 approved continuing education in a year than the minimum required in subsection (1), the excess credit
4 hours may be carried forward and applied to the continuing education requirements of the next year.

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21 release, including failure to appear, the prosecutor ~~may shall~~ MAY make a written motion to the court for
22 revocation of the order of release. A judge ~~may shall~~ MAY issue a warrant for the arrest of a defendant
23 charged with violating a condition of release. Upon arrest, the defendant must be brought before a judge
24 in accordance with 46-7-101.

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26 declare the bail forfeited. Notice of the order of forfeiture must be mailed to the defendant and the
27 defendant's sureties at their last-known address within 10 working days or the bond becomes void and
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