



ADMINISTRATIVE RULES OF MONTANA



6.6.6006 BAIL BOND DOCUMENTS

- (1) The following requirements apply to documentation a surety bail insurance producer uses in connection with transacting business:
 - (a) an indemnity agreement must:
 - (i) be in writing;
 - (ii) be signed by the principal;
 - (iii) be signed by the indemnitor, if any;
 - (iv) be signed by the surety bail insurance producer;
 - (v) set forth the amount of bail, the name of the principal, the amount and type of collateral held by the surety bail insurance producer, and the conditions under which the collateral is to be returned, in compliance with these rules;
 - (vi) state that the principal and the indemnitor have received copies of signed and dated disclosure forms referred to in (1)(e);
 - (vii) if the principal or indemnitor is illiterate or does not read English, state that the surety bail insurance producer or a third party has read or translated the agreement for the principal or indemnitor; and,
 - (viii) conform to all requirements of, and use the forms designated by the surety company.
 - (b) if used in the bail bond transaction, a promissory note must be:
 - (i) in writing;
 - (ii) signed by the surety bail insurance producer;
 - (iii) signed by the principal or indemnitor; and
 - (iv) in an amount not in excess of the premium due from the principal.
 - (c) a collateral receipt must:
 - (i) be dated;
 - (ii) be in writing;
 - (iii) be signed by the surety bail insurance producer;
 - (iv) be signed by the principal or indemnitor;

- (v) be prenumbered;
 - (vi) contain a full description of the collateral, including the condition of the collateral at the time it is taken into custody;
 - (vii) set forth the amount of bail, the name of the principal, the court case number, the court where the bond is executed, the amount of premium, the amount and type of collateral held by the surety bail insurance producer, and the conditions under which the collateral is to be returned; and
 - (viii) include a provision stating that the acquisition, liquidation, and disposition of all collateral must comply with these rules, and provisions of Montana law governing the liquidation of collateral.
- (d) a prenumbered, signed receipt for payments made pursuant to a promissory note must be given to the person tendering payment for each payment received. The payment receipt must contain the date, the principal's name, a description of the consideration and amount of money received, the purpose for which it was received, the amount of the bail bond, and the name of the person tendering payment; and
- (e) a surety bail insurance producer shall provide an advance written disclosure of any and all charges, in addition to the premium, that the principal or indemnitor may incur including, but not limited to, costs and interest, to the extent allowed by these rules. The disclosure must be:
 - (i) in writing;
 - (ii) dated;
 - (iii) signed by the surety bail insurance producer; and
 - (iv) signed by the principal or indemnitor.
- (2) All bail bond documentation must be consistent and comply with the producer's agreement with the surety company, the surety company's policies and procedures, and these rules. In the event of a conflict, these rules supersede any agreements, policies, or procedures.
- (3) In all bail bond documents, any interest or finance charges must comply with 31-1-107, MCA.
- (4) Bail bond documents and agreements must comply with Montana law, including but not limited to 33-15-301 through 33-15-303, MCA. The agreement (surety insurance policy) between the bail bond company and the policyholder must contain the entire contract between the parties, and provisions must be plainly expressed in the policy.
- (5) A surety bail insurance producer licensed to sell, solicit, or negotiate commercial bail bonds pursuant to Title 33, chapter 17, MCA, who effects an arrest or surrender pursuant to 46-9-510(1), MCA, shall notify CSI in writing of the arrest or surrender within seven business days.
 - (a) The written notice of the arrest or surrender shall provide the following information:
 - (i) full name of the principal/defendant who was arrested or surrendered;
 - (ii) criminal court case number and county for which the principal's/defendant's bail bond was posted;
 - (iii) dollar amount of the principal's/defendant's bail bond;

- (iv) address or precise location, date, and time of arrest, and any persons who assisted in an arrest, if an arrest was effected;
 - (v) name, license number, and contact information of the producer who effected the arrest or surrender;
 - (vi) description of probable cause for the arrest, if an arrest was effected;
 - (vii) surrender location, date, and time (if known);
 - (viii) local sheriff's office or police department that the producer notified of the intent to apprehend the principal/defendant, including the date and time of the notice, if an arrest was effected;
 - (ix) local sheriff's office or police department that the producer notified after the arrest of the principal/defendant, including the date and time of the notice, if an arrest was effected;
 - (x) an explanation if the notice of intent to apprehend the principal/defendant was not provided, or was provided more than 6 hours before the arrest, or if the notice of arrest was not provided immediately after the arrest, if an arrest was effected;
 - (xi) producer signature, contact information, and license number of the producer completing the form.
- (b) The form for providing the foregoing notice, a Surety Bail Bond Insurance Producer Arrest and Surrender Report, is available on the website of CSI.
- (c) As used in this rule, the "producer . . . who effects an arrest or surrender" refers to any producer who physically arrests or surrenders a principal/defendant or any producer who requests, orders, or otherwise causes the arrest or surrender of a principal/defendant. A "surrender" includes any action, process, or procedure by which a producer requests bail be exonerated pursuant to 46-9-510(2), MCA.

Authorizing statute(s): 33-26-108, MCA

Implementing statute(s): 33-26-108, 46-9-510, MCA

History: NEW, 2021 MAR p. 410, Eff. 4/17/21; AMD, 2023 MAR p. 872, Eff. 1/1/24.