

BULLETIN 2004-1

Failure to Pay Bail Bond Forfeiture Judgment

The purpose of this Bulletin is to inform bail bond surety companies of the changes in our procedure pursuant to Utah Code Annotated (UCA) 31A-35-504, "Failure to pay bail bond forfeiture – Grounds for suspension and revocation of bail bond surety license" The new procedure will be implemented effective **March 8, 2004**. All bail bond agencies (bail bond surety companies) are advised to become familiar with this procedure, as there will be **NO** exceptions. The statute is available on our website at <http://www.le.state.ut.us/~code/TITLE31A/htm/31A22019.htm>

A bail bond surety is required to pay a judgment not later than 15 days following service of a notice of the entry of the judgment upon the company from a prosecutor or 18 days if the notice is mailed (payment period). If a motion to set aside judgment or notice of an application for an extraordinary writ is to be filed on the judgment it must be filed during this time period.

If a bail bond surety company does not pay the forfeiture, or file these motions prior to the end of the payment period, the prosecutor shall notify the commissioner of the failure to pay the judgment.

The commissioner is required to suspend the license of a company not later than five days following receipt of a notice from a prosecutor of a company's failure to pay a judgment. A motion to set aside judgment or notice of an application for an extraordinary writ filed after a notice of failure to pay a forfeiture judgment has been provided to the commissioner will not prevent the suspension of a license. The **only** action that will stop the suspension is payment of the forfeiture.

If the **prosecutor** notifies the department in writing that the forfeiture is paid **prior** to the 5th day following receipt of the notice of failure to pay judgment, the company's license will not be suspended.

If the **prosecutor** does not notify the department in writing that the forfeiture is **paid** prior to the 5th day following receipt of the failure to pay the judgment, the company's license will be suspended until the **prosecutor** notifies the department in writing that the forfeiture is **paid**. However, the law requires a minimum suspension of not less than 14 days.

The license will be suspended for up to 60 days. If the judgment is not paid during these 60 days, the commissioner will begin action to revoke the bail bond surety company's license.

The Code does not allow for any exceptions to this procedure, therefore, none will be given.

DATED this 8th day of March 2004.

MERWIN U. STEWART
Insurance Commissioner

Delivered to all licensed Bail Bond Agencies (Bail Bond Surety Companies) by
facsimile and regular mail.

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