

Ins 3

Filed Apr 1 - 1964
1:30 P.M.

STATE OF WISCONSIN)
DEPARTMENT OF INSURANCE) SS.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Charles J. Timbers, Deputy Commissioner of Insurance, and custodian of the official records of said department, do hereby certify that the annexed order relating to adoption of a rule relating to bail bond insurance was issued by this department on April 1, 1964.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building, in the city of Madison, this 1st day of April, A.D., 1964.

STATE OF WISCONSIN SS
DEPARTMENT OF STATE
RECEIVED AND FILED
APR 1 1964

Charles J. Timbers
Charles J. Timbers
Deputy Commissioner of Insurance

ROBERT C. ZIMMERMAN
SECRETARY OF STATE
STATE OF WISCONSIN SS
DEPARTMENT OF STATE
RECEIVED AND FILED
APR 1 1964

ORDER OF THE DEPARTMENT OF INSURANCE

Adopting Rules

Pursuant to authority vested in the Commissioner of Insurance by section 200.03 (2), Wis. Stats., the Commissioner of Insurance hereby adopts a rule as follows:

Section Ins 3.22 of the Wisconsin Administrative Code is adopted to read:

Ins 3.22 Bail bond insurance. (1) PURPOSE. This rule is intended to implement and interpret applicable statutes including but not limited to sections 201.04 (7), 204.01 to 204.14 inclusive, and 209.04 for the purpose of establishing minimum requirements for the transaction of bail bond insurance.

(2) DEFINITIONS. (a) Commissioner means the commissioner of insurance.

(b) Insurer means any domestic, foreign, or alien insurance company which has qualified to transact fidelity business under section 201.04 (7), Wis. Stats.

(c) Bail bondsman means an individual who shall be appointed by an insurer by power of attorney as its licensed agent under section 209.04, Wis. Stats., to execute or countersign bail bonds in connection with judicial proceedings and who receives or is promised money or other things of value therefor.

(3) KINDS OF LICENSES. In accordance with section 209.04 (3) (d), Wis. Stats., the kinds of agents' licenses to be issued shall be:

(a) All Casualty Lines (includes paragraphs (d), (e), (f), (g), (h) and (i) and excludes paragraph (k) of this subsection)

(b) Fire and Allied Lines Insurance (includes paragraph (j) of this subsection)

(c) Life Insurance and Annuities

(d) Disability (Accident and Health) Insurance Only

(e) Automobile Insurance Only

(f) Title Insurance Only

(g) Steam Boiler Insurance Only

(h) Fidelity Insurance Only (excludes paragraph (k) of this subsection)

(i) Mortgage Guaranty Insurance Only

(j) Hail Insurance Only

(k) Bail Bond Insurance Only

(4) POWER OF ATTORNEY. Every insurer engaged in the writing of bail bonds shall submit to and have approved by the commissioner a sample power of attorney which shall be the only form of power of attorney the insurer shall issue in this state.

(5) BAIL BOND RATES. (a) Bail bond rates and premiums are subject to the provisions of sections 204.37 to 204.54, Wis. Stats. It is unlawful for any bail bondsman to execute a bail bond without charging the filed rate and premium therefor. No bail bondsman shall make any charge or collect or receive any fee, service fee, or consideration other than the premium based on rates and premiums as approved by the commissioner. Nothing in this rule shall prohibit collateral security or coindemnity agreements.

(b) The premium shall be a term charge for the term of the bond. No additional premium shall be charged in the event of a bond over except that if the amount of the bond has been increased a premium based on the

approved rate for the amount of the increase may be charged.


(c) If the penal sum of the bond is reduced within 7 days after time of commitment by the original committing jurisdiction, the defendant shall be entitled to a refund of the premium in proportion to the amount of the reduction except that the minimum premium shall not be affected.

(d) The original premium charged and any additional or return premium required hereunder shall be shown or endorsed on the bond.

(6) ISSUANCE OF BAIL BONDS. No person shall execute or countersign bail bonds for a fee, or act in the capacity of a bail bondsman, or perform any of the functions, duties or powers prescribed for bail bondsmen, or collect any premium or fee under the provisions of this rule unless he is licensed as a bail bondsman under section 209.04, Wis. Stats.

The rule contained herein shall take effect on June 1, 1964, as provided in section 227.026 (1) (b), Wisconsin Statutes.

Department of Insurance


Charles J. Timbers
Deputy Commissioner of Insurance

Dated April 1, 1964