

**RULES AND REGULATIONS  
OF THE  
HOOD COUNTY BAIL BOND BOARD**

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**Adopted August 19, 2005, Amended October 7, 2005, Amended May 8, 2006, Amended May 20, 2006, Amended February 12, 2007,  
Amended April 4, 2008, Amended January 8, 2010, Amended September 2, 2011, Amended January 6, 2012, Amended November 1, 2013**

# **RULES AND REGULATIONS OF THE HOOD COUNTY BAIL BOND BOARD**

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Pursuant to the authority granted under Chapter 1704, V.T.C.A., the following rules and regulations are adopted to regulate the bail bond business in Hood County, Texas.

The Hood County Bail Bond Board will hold regular meetings on the first (1<sup>st</sup>) Friday of the month at 10:00 a.m. in the Conference Room of the Law Enforcement Center unless otherwise specified by the Chair of the Board. Notices of meetings will be posted on the bulletin board at the Hood County Court seventy-two (72) hours in advance of each Regular meeting. For purposes of Board meetings, the Chair shall be the presiding officer. In the absence of the Chair, the Vice-Chair shall be the presiding officer. In the absence of the Chair and Vice-Chair, the presiding officer shall be a Board member designated in writing by the Chair for that meeting. Such written designation shall be attached to the minutes of such board meeting. It shall be the responsibility of the Chair to provide a secretary for purposes of recording minutes of the business that comes before the Board. All proceedings not governed by specific statutory provision shall be conducted in accordance with Robert's Rules of Order, and the presiding officer shall serve ex officio as parliamentarian. The Board shall annually elect members to the offices of Chair and Vice-Chair.

**RULES AND REGULATIONS**  
**FOR**  
**HOOD COUNTY LICENSED BONDSMEN**

1. If a judicial determination is made that a bondsman licensed by the Hood County Bail Bond Board has surrendered a principal without reasonable cause, the Board, upon receiving information that such determination was made, shall then take whatever action it deems appropriate, including revocation or suspension of the license of the bondsman.
  
2.
  - A. No Collateral will be added to a bondsman's maximum bond amount unless it is a minimum of \$1,000.00
  
  - B. If cash or certificate(s) of deposit are to be deposited with the Hood County Treasurer as collateral, such collateral must remain in trust for at least one (1) year. If real estate is offered as collateral, the real estate may be released within ninety (90) days provided that cash or certificate(s) of deposits in equal or greater amount are offered in lieu of the real estate. Cash or certificate(s) of deposit offered in place of real estate must remain in trust for one (1) year. After one year a license holder may withdraw collateral, either cash, certificate(s) of deposit, or real estate down to the minimum amount required by Section 1704.160, Texas Occupations Code, or to the amount sufficient to maintain the ratios required by Section 1704.203, Texas Occupations Code. This may be done once annually on the licensee's company anniversary date, or at any other time authorized by the Board. (Amended January 6, 2012)
  
  - C. If real estate is offered as collateral in lieu of cash or certificate(s) of deposit or in lieu of other real estate already pledged or any real estate offered as collateral, the bondsman must present the following to the Board for approval;
    - (1) A legal description equivalent to the description required to convey the property by general warranty deed
    - (2) A current statement from each taxing unit with power to assess or collect taxes against the property and indicating the new value of the property according to the current appraisal {said appraisal must have been prepared within twelve (12) months of the date of the application and/or renewal of a license} made by a real estate appraiser who is a member in

- good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, education program, and professional certification program, accompanied by a statement from the applicant agreeing to keep all taxes paid on the property while it remains in trust.
- (3) A statement of the applicant that he will not further encumber the property after conveying it in trust to the Hood County Bail Bond Board without notifying and obtaining the permission of the Board.
  - (4) An agreement to insure and keep current the insurance on any improvements on the property against any damage or destruction while the property remains in trust, in the full amount for the value claimed for the improvement exhibited by a statement.
  - (5) A statement indicating whether the applicant is married and, if so, a sworn statement from the spouse agreeing to transfer to the board, as a part of the trust, any right, title or interest that the spouse may have in the property, and the spouse must execute the deeds of trust to any community property placed in the security deposit required under this section.
  - (6) A financial statement properly prepared within thirty (30) days of the date the application is submitted to the Board for consideration and any renewal of a license thereafter, and;
  - (7) A properly executed Deed of Trust in favor of the Hood County Bail Bond Board as beneficiary.
3. There shall be no soliciting (which will include all forms of advertising) of bonds on any county or city owned property by either licensed bondsmen or their agents. (Amendment: May 8, 2006)
  4. Any outdoor advertising that can be seen from jail will conform to Article 7 of the City of Granbury Zoning Ordinance.
  5. (A) A License Renewal Request and \$500.00 fee must be submitted for Board approval at a Board meeting thirty days prior to the expiration of the license (Amendment April 4, 2008).  
~~(B) bondsmen applying for first time Hood County licensure after November 11, 2005 will pay the \$500.00 filing fee plus an additional \$1,000.00 fee to be used to defray the cost of applicant background investigations. (Amendment: 10-07-05)~~ Amended November 1, 2013.
  6. Hood County licensed bondsmen shall have a seat on the Board. No later than April 1<sup>st</sup> of each year beginning April 2005, the Hood County Bail Bond Board will mail ballots to each licensed bondsman. At the regular May Board meeting, the ballots will be counted by the Board members according to the instructions sent with ballots. The duly elected representative of the licensed bondsmen will serve from June through May of the following year.
  7. Bond forfeitures must be paid within thirty days following final judgment or the bondsman shall be suspended from the active bond list.
  8. The Chair or Vice-Chair is authorized to act on behalf of the Hood County Bail Bond Board to conduct inspection of bail bond records pursuant to Section 1704.102. Either the Chair or the Vice-Chair may appoint agents to conduct actual inspection of records.

9. A bondsman shall maintain a file on each principal for whom he/she writes a bond. A file shall contain the information required by the local rules herein.
10. The bondsman has the responsibility of notifying the principal of all court settings. A record of such notice shall be kept in the file required by Rule No. 9. Such file shall be kept for a period of ~~one (1) year~~ four (4) years from the date the bond is discharged. (Amended January 8, 2010)
11. A bondsman shall not charge a fee for making a bond in an amount in excess of the amount of the bond.
12. A receipt shall be given to the principal or person paying a bond fee. The receipt shall indicate whether the payment was money or property. If property, a description of such property shall be include on the receipt, to include serial numbers, if any. A copy of such receipt shall be kept in the file required by Rule No. 9.
13. A receipt shall be given to the principal or other on behalf of the principal who gives money or property to a bondsman as collateral to secure either the payment of the bond fee or performance on the bond. If property is given, the receipt shall describe said property, including serial numbers, vehicle identification numbers (VIN's), etc. The receipt shall state whether the collateral is held to secure the fee, the performance, or both. If the collateral is to be forfeited, the person giving said collateral shall be given the (10) days written notice of said intended forfeiture. The notice shall be sent by certified mail to the last known address of the person giving said collateral. The property may be sold for its fair market value and the defendants or party giving the collateral shall then be notified of the account balance and any surplus remitted to the person posting said collateral.
14. A bondsman shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation as it relates to his or her bail bond business.
15. In discharging its responsibility for reviewing applications and renewals for licenses, the Board shall require the applicant or licensee seeking renewals to have at least \$50,000.00 unencumbered collateral to deposit with the Hood County Treasurer.

**Hood County Bail Bond Board Security Requirements will mirror the following Article cited from Vernon's Texas Code Annotated.**

*Sec. 1704.160. SECURITY REQUIREMENTS. (a) On receipt of notice under Section 1704.159 That an application has been conditionally approved, the applicant, not later than the 90<sup>th</sup> day after the date of receipt of the notice, must:*

*(1) If the applicant is an individual:*

*(A) Subject to Subsection (b), deposit with the county treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E); or*

*(B) Subject to Subsection (c)-(f), execute in trust to the board each deed to the Property listed on the application under Section 1704.154(b)(3); or*

*(2) If the applicant is a corporation, subject to Subsection (b), deposit with the county Treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E).*

*(b) A deposit made under Subsection (a)(1)(A) or (a)(2) may not be less than \$50,000.00. A corporation must make a separate deposit for each license granted to it in a county. A deposit made to a county with a population of less than 250,000 shall be placed in a fund known as a bail security fund.*

*(c) At the option of the applicant, the property executed in trust under Subsection (a)(1)(B) must be valued in the amount indicated by:*

*(1) an appraisal by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or*

*(2) The county's most recent certified tax appraisal roll.*

*(d) The total value of the property executed in trust under Subsection (a)(1)(B) may not be less than \$50,000.00.*

*(e) A trust created under Subsection (a)(1)(B) is subject to the condition that the property executed in trust may, after notice is provided and under the conditions required by the Code of Criminal Procedure, be sold to satisfy a final judgment on a forfeiture on a bail bond executed by the applicant.*

*(f) If an applicant is married, the applicant's spouse must execute each deed of trust under Subsection (a)(1)(B) that involves community property.*

*(g) A board shall file each deed of trust in the records of each county in which the property is located. The applicant shall pay the filing fee.*

*(h) The certificate of authority to do business in this state issued under Section 861.102, Insurance Code, to an applicant that is a corporation is conclusive evidence of:*

*(1) the sufficiency of the applicant's security; and*

*(2) the applicant's solvency and credits*

*(i) A license holder must maintain the amount of security required by this section during the time the person holds the license.*

16. In the event a bondsman signs a Release of Surety resulting in the issuance of an alias warrant, the bondsman shall furnish a photograph of the defendant, and an information sheet to assist any law enforcement officer in serving the warrant upon request.

17. By January 31<sup>st</sup> of each year, beginning January 2006. Bondsmen with real estate pledged as collateral for making bail bonds shall provide a copy of paid tax receipts for each piece of real estate to be pledged. Receipts must provide proof of taxes paid to the county, to the city, if applicable, and to the school district. Failure to provide the evidence of taxes paid shall result in the property being deducted from posted collateral.

18. Each licensed Hood County bail bondsman shall, by the 15<sup>th</sup> day of each month submit a list to the Sheriff's Department of the total amount of all disposed bonds on out-of-county cases and Class C misdemeanors made by them during the preceding thirty (30) day period. At each monthly meeting the Board secretary will provide to the Board a list of those who have submitted the list and those who have not. In the event a licensed Hood County bail bondsman should otherwise fail to provide a disposition to the bonding Desk representative at the Hood County Jail by 5:00 p.m. on or before the 15<sup>th</sup> day of the month preceding the due date beginning 2006, that licensed bail bondsman shall forfeit all ability to write bail bonds in Hood County, Texas until the next meeting of the Hood County Bail Bond Board. This restriction shall also forfeit the ability of any agents of the said licensed bail bondsman to write bail

bonds in Hood County, Texas for the same period of time that the licensed bail bondsman's ability to write bail bonds in Hood County, Texas is forfeited.

Should a licensed Hood County bail bondsman and his agents forfeit their ability to write bail bonds at any time as a result of the Rule, the licensed Hood County bail bondsman and his agents shall remain unable to write bail bonds in Hood County, Texas until such time as the required disposition list has been properly filed as required, and the Hood County Bail Bond Board votes to reinstate such privileges to the licensed Hood County bail bondsman and his agents at the next meeting of the Hood County Bail Bond Board following the submission of the required disposition list.

19. If a complaint against a bondsman is submitted to the board, the complaint will first be screened to determine if it provides reasonable cause to believe that a violation of the state law or these local rules has occurred. A representative of the Hood County District Attorney's office shall receive the complaint and make a recommendation to the Board on the issue of whether reasonable cause has been stated. If the Board decides that an answer is called for, the bondsman will be notified. Failure to respond to a complaint within ten calendar days after notification shall be a violation of these rules. The Board, before final disposition, shall review all complaints against a bondsman. HOWEVER, NOTHING IN THIS RULE SHALL OPERATE TO ABROGATE OR DIMINISH THE BOARD'S STATUTORY RIGHT TO INSPECT ON DEMAND, WHETHER IN PERSON OR VIA A REPRESENTATIVE, THE RECORDS A BONDSMAN MUST KEEP PURSUANT TO Chapter 1704, Texas Occupations Code.

Failure on the part of a bondsman to testify at such a hearing to answer any questions or to timely provide any other response or evidence requested by the Board pursuant to this Rule shall be considered in itself to be a violation of these Rules.

Once the Board completes its investigation, it shall take such action as it deems appropriate. Both the complainant and the bondsman who was the subject of the complaint shall be sent written notice of the Board's decision.

## 20. Agents

A. Agent, as used in this rule shall mean any person hired by a bail bondsman who performs either of the following duties

1. Meets and negotiates with members of the public for the purpose of selling bail bonds
2. Presents bonds to the Sheriff's Office for approval.

B. For licensure, Applicant must sign an Authority for Release of Information and Waiver to enable the Hood County Sheriff's Office to conduct a criminal history search. The Bail Bond Board will not license as an Agent or bondsman any person who, after August 27, 1973 commits or has committed an offense being a felony, or a misdemeanor involving moral turpitude if such offense has resulted in a final conviction of for which filed charges are currently pending. This

rule shall not apply if a period of more than ten (10) years has elapsed between the date of the filing of the application for license and the date of:

1. The conviction
2. The release from the confinement imposed for that conviction.
3. The satisfactory completion of probation or parole for that conviction
4. The pardon, annulment or other equivalent procedure for that conviction, whichever is the later date.

C. No bail bondsman may employ a person as an agent who is not licensed.

D. The fee for licensing an agent shall be \$25.00.

E. All agents shall comply with the Bail Bond Act, Chapter 1704, V.T.C.A., and the Rules & Regulations of the Hood County Bail bond Board. Upon showing that an agent has violated either the Act, or the Rules & Regulations, or conduct unbecoming a bail bondsman, the license(s) for such agent may be suspended or revoked for each bondsman represented by such agent regardless of which bondsman the agent was pursuing the bonding interests of at the time of any such infraction.

F. Each bondsman is responsible for the actions taken by any agent hired by the bondsman. Upon showing that an agent has violated the Act or the Rules & Regulations while representing one or more specific bondsman, the license of the bondsman may be suspended or revoked.

G. An applicant who has been denied an agent license may not reapply for a period of six (6) months from the date of the denial of his or her application for license.

H. Any time an agent is terminated by a licensed bail bondsman, it shall be the responsibility of the sponsoring bail bondsman to provide written notice to the secretary of the Hood County Bail Bond Board and to the Hood County Sheriff's Office by delivering written notice to the Bonding Desk at the Hood County Jail revoking the former agent's power to present bonds to Hood County on behalf of that licensed bail bondsman. Upon termination, it shall be the responsibility of the agent's employer to surrender the agent's bonding identification card to the Hood County Bail Bond Board. The secretary shall in turn notify the Hood County Sheriff's Office in writing that agent's power to present bonds has been terminated.

21. The Board shall approve a Bail Bondsman List. The list shall be posted in each court having criminal jurisdiction in the county, and shall provide to each local official having responsibility for the detention of prisoners in the county a current list of each licensed bail bond surety and each licensed agent of a corporate surety in the county. This list shall be updated and reissued each time it is amended (i.e.

bondsman added, removed, suspended, etc.) by the Board. The effective date of the list shall be shown on the face of the document.

A list of each licensed bail bond surety and each licensed agent of a corporate surety in the county must be displayed at each location where prisoners are examined, processed or confined. This list will allow for the rotation of bondsmen's name on a weekly basis to prevent preferential treatment of any one bondsman or surety. The rotation of the list will be assigned to a designee of the Board.

22. (A) A licensed bondsman may operate under one (1) assumed name or under his or her own name but not both. Any advertising must contain the true name and license number of the bondsman. If a bondsman uses an assumed name, he must notify the Bail Bond Board. Bail bond agents may not advertise bail bonds services in their own name but only in the name of the licensed bondsman. They may not, on personal business cards or otherwise, advertise using a telephone number that does not belong to a licensed bondsman.

(B) Licensed bondsmen shall have a local (Hood County) office on property separate from residential property. The office shall be equipped with business telephone service dedicated exclusively to the bondsman's local bonding business. Hood County bonding records shall be maintained on this business property for inspection by authorized Hood County Bail Bond Board representatives during regular business hours. (Amended by Board Order on October 7, 2005 to take effect on November 11, 2005).

23. When a bondsman renews his license and resubmits real property for collateral, the value may be determined by submitting to the Board a complete appraisal as described in section 6(F)(2) of the Act {1704.160 (c)}.

#### 24. Continuances

A. The Board may, on its own motion or upon a showing of good cause supported by an affidavit, grant a continuance to a bondsman and/or agent when a hearing is set to investigate the actions and records relating to any complaint filed against any bondsman and/or agent. A continuance can be given on a month-to-month basis but it shall not exceed three (3) months.

B. If a motion for continuance is granted, and if the continued hearing is set beyond the expiration date of a bondsman and/or agent's license, the license may be temporarily extended beyond the expiration date of the license, thereby allowing the bondsman and/or agent to sell bail bonds until the final disposition of the continued hearing. Whenever a continuance is granted, the bondsman will remain liable for any and all obligations incurred on any bonds made during the original license or any extension thereof.

25. In addition to the powers and duties given to the Hood County Bail bond Board by Chapter 1704, V.T.C.A., the Board shall also have the following powers and duties:

A. To exercise any powers incidental or necessary to the administration of this Act within the county, and to prescribe and post any rules necessary to implement the Act.

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B. To conduct hearings and investigations and make determinations respecting the issuance, refusal, suspension or revocation of licenses to bondsmen within the provisions of this Act and to issue licenses to those applicants who qualify under the same terms of the Act, to refuse licenses to those applicants who do not qualify, and to suspend or revoke the licenses of licensees who commit violations under this Act or the rules prescribed by the Board under this Act;

C. To require applicants and licensees to appear before the Board and to administer oaths, examine witnesses, and compel the production of pertinent books, accounts records, documents and testimony by the licensee or applicant in its hearings;

D. To cause records and transcripts to be made of all its proceedings;

E. To maintain records and minutes and otherwise operate its office affairs;

F. To employ such employees to assist the Board in its functions as necessary;

G. To furnish and post in each court in the county having jurisdiction of criminal cases and each local official responsible for the detention of prisoners in the county with current lists of the bondsmen and their agents licensed and approved in the county and to notify immediately each court and local official when a bondsman's license is suspended or revoked or an agent's authority is rescinded; and

H. To file reports and furnish information on the operations of the bonding business in the county at the request of the Texas Judicial Council which shall report annually to the governor and the legislature on or before December 1<sup>st</sup> of each year on the operation of the bonding business in the state.

26. In the event a bonding company goes out of business, all copies of all outstanding bond principals and a copy of each of their applications, along with the current address and telephone number indicated shall be provided to the Board. Also, a current list of all outstanding Judgment *Nisis* and deposits and collateral that is due to be returned to a client shall be provided to the Board before any collateral is released.

27. In the event two (2) or more Bondsmen are retained to post a bond, the Bondsman or agent that appears at the jail lobby first shall be the one allowed to post the bond. However, no Bondsman or Agent shall be in the lobby until (at the earliest) the JPs have arrived for Arraignments. Any Bondsman or Agent in the lobby at any other time, not currently waiting for release of an inmate (i.e. bond submitted), or on other official business, shall be considered 'soliciting' and treated accordingly. (Amended May 20, 2006)

28. All applicants seeking licensing under these rules shall be required to complete the application form and submit to a criminal history and background check. Forms are available at the Hood County Sheriff's Office.

29. Whenever the Chair (and/or Presiding Officer) anticipates a vote on any agenda item scheduled to come before the Board at a meeting that otherwise relates to written documents, the Chair (and/or Presiding Officer) shall make the necessary arrangements for such written documents to be made available for inspection at the scheduled meeting by any Board member at least thirty (30) minutes prior to the beginning of any such meeting at which the board may be called upon to vote.

30. Following a written notice to the secretary of the Bail Bond Board, a person who has previously been approved by the board and is currently licensed as a bondsman or agent may be added as an agent for another company (period not to exceed 45 days or the next monthly Bail Bond Board meeting, whichever comes first) without the approval of the Board. To continue as an agent, application and fee must be submitted to the Board for approval.

31. ~~No bondsman or agent shall submit a bond without attaching a check issued by a licensed bondsman or agent, a money order or a cashier's check payable to Hood County in the amount of \$15.00 if said bondsman or agent is posting one bond for the principal, or \$30.00 if bondsman or agent is posting more than one bond for the principal. Cash will not be accepted for the above fees. Cash or check from a person other than the licensed bondsman or agent will not be accepted. This provision does not apply to personal or cash bonds.~~ Amended September 2, 2011

32. Renewal of agent application will correspond with renewal of bonding company application.