

## **Rule 41**

### **BAIL BONDING COMPANIES AND AGENTS**

(A) For the purpose of this rule, “surety bail bond agent” is defined as an individual who is licensed to write bail bonds by the Ohio Department of Insurance. “Surety bail bond agency” is defined as a business entity of more than one licensed surety bail bond agent.

(B) All agents or agencies who desire to write bail bonds in the Toledo Municipal Court must register with the clerk of court before a bond may be filed in this court. To register, a surety bail bond agent/agency shall file the following with the clerk of court office, criminal division:

(1) A completed Toledo Municipal Court surety bond registration form.

(2) A certified copy of the surety bail bond agent/agency’s appointment by power of attorney from each insurer the agent/agency represents.

(3) A copy of the surety bail bond license issued by the State of Ohio Department of Insurance.

(4) A copy of the certificate of authority issued by the State of Ohio Department of Insurance.

(5) A copy of the certificate of compliance issued by the State of Ohio Department of Insurance.

(6) A copy of each agent’s current department of insurance wallet identification card with photo.

(7) Proof of registration with the Lucas County Common Pleas Court.

(C) The surety bail bond agent/agency shall file the following to keep the registration current:

(1) A certified copy of the renewed power of attorney by the first day of August each odd-numbered year.

(2) A copy of the State of Ohio Department of Insurance license renewal form by March first of each year.

(3) Written notification of any change in information contained on the surety bail bond registration form within five working days of the change.

(D) Surety bail bond agents/agencies shall comply with any other requirements as ordered by the Court.

(E) All surety bail bond agents must comply with Ohio Revised Code Section 3905.932. Surety bail bond agents are prohibited from soliciting on the property or grounds of the Toledo Municipal Court. Prohibited solicitation includes any activity set forth in Ohio Administrative Code Section 3901-1-66(I)(1). A surety bail bond agent who solicits on the property or grounds of the Toledo Municipal Court, or engages in other acts prohibited by Ohio Revised Code Section 3905.932, may be expelled from the building and grounds of the Toledo Municipal Court. Violations of Ohio Revised Code Section 3905.932 will be reported to the State of Ohio Superintendent of Insurance. Additionally, violations of this rule may be considered contempt of court.

(F) When posting bond, a surety bail bond agent must:

(1) Produce a current State of Ohio Department of Insurance wallet ID card when requested.

(2) Post a separate power of attorney on each case. A power of attorney that has been altered or erased will not be accepted by the court.

(3) Post a separate bond post form on each case that contains an original signature of the surety bail bond agent.

(G) When a bond is ordered to be forfeited, the clerk of court shall provide notice the bond must be paid within thirty 30 days of the order to forfeit the bond.

(H) If the surety bail bond agent/agency does not pay the forfeiture by the due date, the clerk of court's office shall not accept any bonds from that agent/agency until the forfeiture is paid in full. If the forfeiture is not paid for more than 30 days after the due date, the clerk of court's office shall not accept any bonds from that agent/agency until a majority of Toledo Municipal Court judges vote to accept bonds from that agent/agency.

(I) The surety bail bond agent/agencies shall obtain and maintain contact information from defendants including but not limited to phone, address, e-mail and an emergency contact person, and must maintain at least weekly contact with defendants. Surety bail bond agents/agencies must provide a written court date notice to the defendant at the time of release. Further, they must provide a written court date reminder to defendants within one week of the court date and an in person or phone reminder within 24 hours of the court date. If the requirements of this section cannot be proven by the surety bail bond agent/agency at a bond forfeiture hearing, the court may consider the bail bond agent's/agency's failure to comply with this rule as a factor when considering release, remission or continuance of bond.

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