
Prelicensing Education Educational Objectives California Bail Agent Examination

Overview

In order for the bail agent, bail permittee or bail solicitor applicant to be eligible to take the bail agent examination, the applicant must complete not less than 20 hours of classroom education in subjects pertinent to the duties and responsibilities of a bail licensee including, but not limited to, all related laws and regulations, rights of the accused, ethics, and apprehension of bail fugitive (Section 1810.7 (a) of the California Insurance Code (CIC)). In addition, a bail license cannot be issued to any person unless and until the applicant takes and passes a bail license examination (Section 1810.5 of the CIC).

The new bail agent, bail permittee or bail solicitor will be introduced and instructed on the undertakings of bail. Specifically, a bail agent's license, by its terms, permits the licensee to solicit, negotiate and affect undertakings of bail on behalf of any surety insurer while there is in effect an unrevoked notice of appointment of such insurer (Section 1802 of the CIC). A bail permittee's license, by its terms, permits the licensee to solicit, negotiate, issue, and deliver bail bonds (Section 1802.5 of the CIC). A bail solicitor's license, by its terms, permits the licensee to transact bail on behalf of and as the employee of the holder of the bail licenses therein designated while there is in effect and on file with the commissioner an unrevoked appointment of the solicitor by such license holder (Section 1803 of the CIC).

The new bail licensee needs sufficient knowledge at the start of one's career on the following topics:

- (1) Basic knowledge including:
 - * what is a bail bond
 - * the definition of a bail bond
 - * the history of a bail bond
 - * bail agents' relationships with the following:
 - * their employer
 - * the California Department of Insurance
 - * the surety company
 - * the court
 - * surety company's relationship with the following:
 - * the court
 - * the bail bondsman
 - * ethics and California Insurance Code
 - * Insurance Code sections relating to bail and bail agents
 - * Penal Code sections relating to bail bonds
 - * bail bond contracts/indemnity agreements
- (2) General understanding of:
 - * premiums/financial responsibilities/indemnity
 - * collateral
 - * criminal justice system
 - * fugitive recovery
 - * privacy provisions

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Educational Objectives

The educational objectives are derived from Title 10, Chapter 5, Subchapter 1, Article 2.1, Section 2105.2 of the California Code of Regulations (CCR) which states, in part, that an approved prelicensing bail education course must impart information on all of the following topics. Each topic must be cross referenced to the material submitted before the material can be approved.

The Examination

The applicant for a bail agent, a bail permittee or a bail solicitor license will, without any aids (e.g. reference materials, electronic aids) take a computer-based examination. The examination will be two hours (or 120 minutes) and will be a 75 question multiple-choice examination.

Examinations are administered at the following CDI locations beginning at 8:30 a.m. and 1:00 p.m., Monday through Friday except on state holidays:

Sacramento:
California Department of Insurance
Examination Site
320 Capitol Mall, 1st Floor
Sacramento, California 95814

Los Angeles:
California Department of Insurance
Examination Site
300 South Spring Street, North Tower, Suite
1000
Los Angeles, California 90013

Check-in is at 8:00 a.m. for the 8:30 a.m. examination, and check-in is at 12:30 p.m. for the 1:00 p.m. examination.

PSI's test centers are located at the following locations:

Anaheim
Atascadero
Bakersfield
Burbank
Carson
Diamond Bar

~~El Monte~~
Fresno
Hayward
Laguna Hills
Lawndale
Redding

Riverside
Sacramento
San Diego
San Francisco
Santa Clara

Santa Fe Springs
Santa Rosa
Ventura
Visalia
Walnut Creek

For additional information on license examinations (i.e. online examination scheduling, fingerprint requirements, examination admittance, forms of identification, check your scheduled examination date, check your examination results), please review the following link:

<http://www.insurance.ca.gov/0200-industry/0010-producer-online-services/0200-exam-info/index.cfm>

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Candidate Information Bulletin

The Candidate Information Bulletin (CIB) provides detailed information on how to prepare for your license examination, prelicensing education requirements, examination site procedures, sample examination questions, test taking strategies, and driving directions to the California Department of Insurance's examination sites and PSI's test centers that are located throughout California. Please review the following link: <http://www.insurance.ca.gov/0200-industry/0020-apply-license/0100-indiv-resident/CandidateInformation.cfm>

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 - B. General overview of California Insurance Codes (CIC) relating to the bail industry (5 questions of the 22 Bail – General questions)
 - C. General overview of California Code of Regulations (CCR) relating to the bail industry (5 questions of the 22 Bail – General questions)
 - D. General overview of California Penal Codes (PC) relating to the bail industry (5 questions of the 22 Bail – General questions)
 - E. Licensing and appointments (3 questions of the 22 Bail – General questions)
- II. Bail Bond Contracts (6 questions (8 percent) on the examination)
 - A. Contracts – basics (1 question of the 6 Bail Bond Contracts questions)
 - B. Bail industry contracts (2 questions of the 6 Bail Bond Contracts questions)
 - C. Forms used in bail bond transactions (1 question of the 6 Bail Bond Contracts questions)
 - D. Enforceability of contracts (1 question of the 6 Bail Bond Contracts questions)
 - E. Contract transaction basics (1 question of the 6 Bail Bond Contracts questions)
- III. Indemnity Agreements (6 questions (8 percent) on the examination)
 - A. Meaning and purpose of Indemnity Agreement (2 questions of the 6 Indemnity Agreements questions)
 - B. Joint and Several Liability (2 question of the 6 Indemnity Agreements questions)
 - C. Enforcing the Indemnity Agreement (2 question of the 6 Indemnity Agreements questions)
- IV. Financial Responsibilities (12 questions (15 percent) on the examination)
 - A. Explanation of premiums (5 questions of the 12 Financial Responsibilities questions)
 - B. Fiduciary capacity (5 questions of the 12 Financial Responsibilities questions)
 - C. Agent to surety premium relationship (1 question of the 12 Financial Responsibilities questions)
 - D. IRS Form 8300, Report Cash Payments of Over \$10,000 Received in a Trade or Business (1 question of the 12 Financial Responsibilities questions)
- V. Collateral (6 questions (8 percent) on the examination)
 - A. Definition/purpose of collateral (2 questions of the 6 Collateral questions)
 - B. Types of collateral (1 question of the 6 Collateral questions)
 - C. Fiduciary capacity of bail agent, bail permittee and bail solicitor as to cash or collateral in agent's possession (1 question of the 6 Collateral questions)
 - D. Remedies of collateral (1 question of the 6 Collateral questions)
 - E. Release/Return of collateral (1 question of the 6 Collateral questions)

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- VI. The Criminal Justice System (7 questions (10 percent) on the examination)
- A. California courts (3 questions of the 7 The Criminal Justice System questions)
 - B. Criminal court process (2 questions of the 7 The Criminal Justice System questions)
 - C. Officers of the court and their roles (2 questions of the 7 The Criminal Justice System questions)
- VII. Laws Pertaining to Bail Agents and Fugitive Recovery (8 questions (11 percent) on the examination)
- A. **Understanding Fugitive Recovery Persons Act (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)**
~~Surrender prior to forfeiture (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)~~
 - B. **Understanding forfeitures and remedies (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)**
 - C. Bail agents executing an arrest (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)
 - C. ~~Understanding forfeitures and remedies (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)~~
 - D. Transporting prisoners (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)
 - E. Out of state/country activities (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)
- VIII. Privacy Protection Provisions (4 questions (5 percent) on the examination)
- A. Insurance/Privacy Protection Act (1 question of the 4 Privacy Protection Provisions questions)
 - B. Confidential Communications (1 question of the 4 Privacy Protection Provisions questions)
 - C. Relations with clients, governmental employees and the public (2 questions of the 4 Privacy Protection Provisions questions)
- IX. ~~Ethics, Best Practices and California Insurance Code (4 questions (5 percent) on the examination)~~
- A. **Best Practices (4 questions of the 4 Ethics and California Insurance Code questions)** ~~Keep informed of and obey all laws and regulations (State, Federal and local)~~
 - B. ~~Accurately and truthfully represent products and services~~
 - C. ~~Identify the client's needs~~
 - D. ~~Protect the confidential relationship with your clients~~
 - E. ~~Avoid unfair or inaccurate remarks about the competition~~
 - F. ~~Promptly and formally notify indemnitors of the possible liability or penalties in the event of non-appearance or surrender to custody of the defendant~~
 - G. ~~Cooperate with judiciary, law enforcement and public prosecution agencies~~
 - H. ~~Understand that the California Insurance Code (CIC) and the California Code of~~

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Regulations (CCR) identify many unethical and/or illegal practices, but the CIC and CCR are not a complete guide to ethical behavior

Course Outline

- I. Bail – General (22 questions (30 percent) on the examination)
 - A. Basic concepts of bail (4 questions of the 22 Bail – General questions)
 1. Prelicensing education (Section 1810.7 of the California Insurance Code (CIC))
 2. Bail as a profession
 3. Consumer protection
 4. Define a bail bond and its purpose
 5. Describe the responsibilities and duties between the California Department of Insurance (CDI), Surety Insurer, Bail Agent, Bail Permittee, Bail Solicitor and Managing General Agent
 6. History of bail
 7. Terms used in the bail industry including, but not limited to, the following: arrestee/defendant; exoneration; forfeiture; indemnitor; liability; negotiating; premiums; reinstatement; summary judgment; surety; transacting; transfer bond
 - B. General overview of California Insurance Codes (CIC) relating to the bail industry (5 questions of the 22 Bail – General questions)
 1. Specific provisions relating to bail qualification and licensing (Sections 1800-1823 of the CIC)
 - a. Specific provisions relating to licensure (Sections **1630, 1633, 1666-1672, 1685-1698, 1703, 1704, 1708-1712**, and 1723 of the CIC)
 2. Specific provisions relating to filing of true and fictitious names (Section 1724.5 of the CIC)
 3. Specific provisions relating to fiduciary capacity (Sections 1733 and 1734 of the CIC)
 4. Specific provisions relating to forbidden acts and disciplinary actions (Sections 1736-1748.5 of the CIC)
 5. Specific provisions relating to recordkeeping-inspection-maintenance (Section 1746 of the CIC and Sections 2097-2104 of the CCR)
 - C. General overview of California Code of Regulations (CCR) relating to the bail industry (5 questions of the 22 Bail – General questions)
 1. Specific provisions relating to bail transactions (Sections 2053-2104 of the CCR)
 2. Specific provisions relating to public authority rules and gift prohibition (Sections 2075 and 2078 of the CCR)
 3. Procedures governing persons subject to Title 18 United States Code (Sections 1033-1034, Crimes by or Affecting Persons Engaged in the Business of Insurance Whose Activities Affect Interstate Commerce,

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4. Sections 2175.1-2176.4 of the CCR)
Civil action for deprivation of rights (Section 1983 of the US Code)
- D. General overview of California Penal Codes (PC) relating to the bail industry (5 questions of the 22 Bail – General questions)
1. Specific provisions relating to the refund of bail (Section 1166 of the PC)
 2. Specific provisions relating to the discharge from custody (Section 1268 of the PC)
 3. Specific provisions relating to the surrender of defendant (Sections 1300-1302 of the PC)
 4. Specific provisions relating to the exoneration of bail (Sections 1303-1304 of the PC)
 5. Specific provisions relating to the forfeiture of bail (Sections 1305-1308 of the PC)
 6. Specific provisions relating to the prohibition of gifts (Section 160 of the PC)
 7. Specific provisions relating to pretext interviews (Section 791.03 of the CIC, and General Arrest Statutes, Sections 821-823, 825, 827.1, 834-835, 837-841, 844-847, 849, 851.1, 854-855, 862, 976, 979, and 980 of the PC)
 8. Specific provisions relating to bench warrants (Sections **849, 978.5, 979, 980, 982, 983, 1195**, 1196 and 1199 of the PC)
 9. Specific provisions relating to the admission to bail and taking of bail (Sections 1268 and 1269 of the PC)
 10. Specific provisions of bail within the law enforcement and judicial system (Sections 1269(a), 1269(b), 1269(c) and 1270-1298 of the PC)
 11. Specific provisions relating to the recommitment of defendant (Sections 1310-1316 of the PC)
 12. Specific provisions relating to the failure to appear (Sections 1320 and 1320.5 of the PC)
 13. Specific provisions relating to the bail form (obligation of insurer) (Section 1459 of the PC)
 14. Definitions of terms relating to fines and forfeitures (Section 1463 of the PC)
 15. Specific provisions relating to furnishing of aliases and booking photographs to the bail agent (Section 11105.6 of the PC)
 16. Specific provisions relating to the preparation of false documents (Section 134 of the PC)
- E. Licensing and appointments (Sections 1800-1823 of the CIC, Sections 1291 and 1459 of the PC, and Sections 2053-2104 of the CCR) (3 questions of the 22 Bail – General questions)
1. Types of bail licenses
 - a. Bail agent, bail solicitor and bail permittee
 2. Action notices of appointment
 - a. By surety
 - b. By employing agent
 - c. Bond of bail agent, bail solicitor, and bail permittee

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3. Define the qualifications of the three types of bail licenses (Sections 1801, 1802, 1802.5 and 1803 of the CIC and Sections 2054.2, 2056 and 2059 of the CCR)
 4. Describe the requirements for issuance of a bail license (Sections 1805, 1810 and 1810.7 of the CIC and Section 2055 of the CCR)
 5. Describe the appointment process, filings, and forms (Section 1802.1 of the CIC)
 6. Explain the Commissioners right of suspension, revocation and refusal of a license (Sections 1668, 1668.5, 1669, 1670, 1738 and 1806-1807 of the CIC)
 7. Describe the education, examination, and renewal process (Sections 1677, 1807.7, 1808 and 1810.5-1810.9 of the CIC)
 8. Use of Predecessors business name/fictitious names (Sections **1724.5 and** 1802.2 of the CIC and Sections 2066-2066.5 of the CCR)
 9. Display of license (Section 1820 of the CIC)
 10. Advertising/Soliciting (Sections 1725.5, 1726, and 1800.75 of the CIC and Sections 2079-2082 of the CCR)
 11. Violations, Fines and Penalties (Sections 1681.5, ~~1708, 1711~~, 1746, 1748 and 1814 of the CIC)
 12. Background changes (Section 1729.2 of the CIC)
 13. ~~Prohibited associations~~ **Prohibitions** (Sections 2057, 2058, 2070, 2072, 2078, 2175.4 and 2175.5 of the CCR)
 14. Corporations, Partnerships (Sections 2061-2061.5 of the CCR)
- II. Bail Bond Contracts (6 questions (8 percent) on the examination)
- A. Contracts – basics (1 question of the 6 Bail Bond Contracts questions)
 1. Definition of a contract
 2. Elements of a contract
 - a. offer
 - b. acceptance
 - c. consideration
 - d. agreement
 - e. competent parties
 - f. legal purpose
 - B. Bail industry contracts (2 questions of the 6 Bail Bond Contracts questions)
 1. Contract between bail agent and surety
 2. Contract between arrestee and bail agent/surety
 3. Contract between indemnitor and bail agent/surety
 4. Contract between court and bail agent/surety (bail bond)
 - C. Forms used in bail bond transactions (1 question of the 6 Bail Bond Contracts questions)
 1. Premium Receipts
 2. Collateral Receipts

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3. Promissory Notes
 4. Deeds of Trust
 5. Required Disclosure Statements
- D. Enforceability of contracts (1 question of the 6 Bail Bond Contracts questions)
1. Legal age to sign a contract
 2. Comprehension of contract
 - a. Language barrier
 - b. Mental
 3. Coercion
 4. Duress
- E. Contract transaction basics (1 question of the 6 Bail Bond Contracts questions)
1. Supplying arrestee/indemnitor:
 - a. copies of all signed contracts
 - b. copies of statement and charges
 - c. copies of premium receipts
 - d. information as to court date
- III. Indemnity Agreements (6 questions (8 percent) on the examination)
- A. Meaning and purpose of Indemnity Agreement (2 questions of the 6 Indemnity Agreements questions)
1. To secure and pay for losses arising out of, or in relation to, a bail bond transaction
 2. Terms of Indemnity Agreement may be unique
- B. Joint and Several Liability (2 question of the 6 Indemnity Agreements questions)
1. Single or multiple indemnitors and the arrestee
 2. All indemnitors are liable for full amount of damages
- C. Enforcing the Indemnity Agreement (2 question of the 6 Indemnity Agreements questions)
1. Lawful enforcement of Indemnity Agreement
 - a. Small claims
 - b. Superior Court litigation
 - c. Collection agency
 2. Unlawful enforcement of Indemnity Agreement
 - a. Threats
 - b. Criminal acts (e.g. extortion, false imprisonment)
- IV. Financial Responsibilities (12 questions (15 percent) on the examination)
- A. Explanation of premiums (Section 2081 of the CCR) (5 questions of the 12 Financial Responsibilities questions)
1. What is a premium?

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2. Why is a premium charged?
 3. Charging the proper amount of premium (**Section 2081(a) of the CCR**)
 4. Rebating/discounting (**California Proposition 103**)
 - a. **Agents must pay surety and BUF account based upon filed rate**
 - ~~5. Providing credit for premium~~
 - 65.** Premium fully earned upon defendant's release (NCF, dismissal), **Bail Bond Agreement**
- B. Fiduciary capacity (Sections 1733, 1734-1734.5 and 1823 of the CIC) (5 questions of the 12 Financial Responsibilities questions)
1. Definition of fiduciary
 2. Liability for breach of fiduciary duty
 3. Premium to bail agent (**Section 1734 of the CIC**)
 4. Theft (Section 1733 of the CIC)
 5. Premium funds derived from cash, check or credit card MUST be deposited into premium trust account (Section 1734 of the CIC)
 6. Maintenance of Trust Account (Section 1734.5 of the CIC)
 7. Build Up or Reserve Funds (Section 1823 of the CIC)
 8. Maintenance of separate premium trust, collateral trust and operating accounts (**Section 1733 of the CIC and Section 2088 of the CCR**)
 9. Consequences of improper handling of premium (**Section 1733 of the CIC**)
- C. Agent to surety premium relationship (1 question of the 12 Financial Responsibilities questions)
1. ~~Timely remittance~~ **Remittance** of premium collected to the surety company
- D. IRS Form 8300, Report Cash Payments of Over \$10,000 Received in a Trade or Business (1 question of the 12 Financial Responsibilities questions)
1. Applies to a single cash transaction or series of cash transactions equaling or exceeded \$10,000.00
 2. Filing requirements
- V. Collateral (6 questions (8 percent) on the examination) (Sections 2088 and 2089 of the CCR and Sections 1280(a)-1280.1 of the PC)
- A. Definition/purpose of collateral (2 questions of the 6 Collateral questions)
1. Definition: An item of value pledged to another person for the purpose of guaranteeing performance of an obligation
 - a. Relate the definition to the bail transaction
 2. Purpose: To provide an incentive to encourage compliance under the terms of release dictated in the bail bond and to further provide a source of funds to pay for losses occasioned as the result of a forfeiture of the bail bond
- B. Types of collateral (1 question of the 6 Collateral questions)
1. Real property/Deed of Trust (Section 2088.3 of the CCR and Section

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- 1276.5 of the PC)
 - a. Residential
 - b. Commercial, Industrial and Agricultural
 - 2. Personal property
 - a. Cash (including Section 1275.1 of the PC)
 - b. Automobiles or mobile homes
 - c. Water vessels
 - d. Stocks and Bonds
 - e. Savings accounts
 - f. Life insurance policies
 - g. Other personal property (e.g. jewelry, livestock, antiques, art)
 - 3. Irrevocable Letters of Credit and Assignments of Interest
- C. Fiduciary capacity of bail agent, bail permittee and bail solicitor as to cash or collateral in agent's possession (1 question of the 6 Collateral questions)
- 1. Capacity and custody (Sections 2088, 2088.1, 2084, and 2087 of the CCR)
 - 2. Vestings/Titles
 - 3. Liens/Bankruptcy/Conservatorship/Trusts
 - 4. Notarization of documents
 - 5. Misuse of Collateral (**Section 2088 of the CCR**)
- D. Remedies of collateral (1 question of the 6 Collateral questions)
- 1. When can collateral be converted? (**Section 2089 of the CCR**)
 - 2. How to convert different types of collateral
- E. Release/Return of collateral (Sections 2088.2, 2088.3 and 2089 of the CCR) (1 question of the 6 Collateral questions)
- 1. To whom does collateral get returned? (**Section 2088.2 of the CCR**)
 - 2. Legal requirements on timeliness of return
 - 3. Documenting the return of collateral (**Section 2100 of the CCR**)
- VI. The Criminal Justice System (7 questions (10 percent) on the examination)
- A. California courts (3 questions of the 7 The Criminal Justice System questions)
 - 1. Criminal vs. Civil Courts
 - 2. County court system
 - B. Criminal court process (2 questions of the 7 The Criminal Justice System questions)
 - 1. Arrest, arraignment, preliminary hearing, trial, sentencing
 - 2. No charges filed
 - a. 15 day rule (Sections 1303 and 1305 of the PC)
 - b. Charges can be filed up to one year after initial arrest
 - C. Officers of the court and their roles (2 questions of the 7 The Criminal Justice System questions)

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1. The Judge
2. The District Attorney
3. The Public Defender
4. The Private Defense Attorney

VII. Laws Pertaining to Bail Agents and Fugitive Recovery (8 questions (11 percent) on the examination)

A. Understanding Fugitive Recovery Persons Act (Sections 1299-1299.12 of the PC) (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)

- 1.** Term meanings (Section 1299.01 of the PC)
- 2.** Qualifications (Sections 1299.02 and 1299.04 of the PC)
- 3.** Documentation, written authorization of surety/bail agent to other person (Sections 1299.06, 1300 and 1301 of the PC)
- 4.** False/misleading representation (Section 1299.07 of the PC)
- 5.** Law enforcement notification (Sections 1299.08 and 1301 of the PC)
- 6.** Entering premises/firearms (Sections 844, 1299.09 and 1299.10 of the PC)
- 7.** Violations and penalties (Section 1299.11 of the PC)

~~Surrender prior to forfeiture (Section 1300 of the PC) (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)~~

- ~~1. Section 1300 (b) of the PC — Allows for pre-forfeiture surrender~~
 - ~~a. Circumstances where pre-forfeiture surrender may result in return of premium (Section 2090 of the CCR) (topic moved to new B. 1)~~

~~B. Bail agents executing an arrest (Sections 821 through 827.1, 840, 841 through 847.5, 941 and, 1312 of the PC) (2 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)~~

- ~~1. Legality of arresting bail fugitives (Sections 1300 and 1301 of the PC)~~
- ~~2. Written authorization of surety/bail agent to other person (Section 1301 of the PC)~~
- ~~3. Best practices and methods of arrest~~
- ~~4. Liability considerations~~
- ~~5. Wrongful arrests — consequences and liability~~
- ~~6. Qualifying persons who perform fugitive recovery~~
- ~~7. Supervising persons who perform fugitive recovery~~
- ~~8. Coordination with local law enforcement (section moved to new C)~~

B. Understanding forfeitures and remedies (Sections 849, 978.5, 979, 980(b), 982, 983, 1195, 1196, 1199 and 1305 of the PC) (2 questions of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)

1. **Surrender prior to forfeiture (Section 1300 of the PC)**
 - a. Circumstances where pre-forfeiture surrender may result in return of premium (Section 2090 of the CCR) (topic moved from old A. 1)**
2. Section 1305 of the Penal Code 180 day period for relief

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3. Extensions (good cause) of statutory period (Section 1305.4 of the PC)
4. Forfeiture notices
5. Warrants
 - a. Verifying warrant status
 - i. NCIC, CLETS, local warrant systems
 - b. Persons authorized to serve warrants
6. Surrender or arrest of defendants who are in custody
 - a. In jurisdiction of underlying case
 - b. Out of jurisdiction, out of state, out of country
7. Technical grounds for relief from forfeiture

C. Bail agents executing an arrest (Sections 821-827.1, 840, 841-847.5, 941 and 1312 of the PC) (2 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)

- 1. Legality of arresting bail fugitives (Sections 1300 and 1301 of the PC)**
- 2. Written authorization of surety/bail agent to other person (Section 1301 of the PC)**
- 3. Best practices and methods of arrest**
- 4. Liability considerations**
- 5. Wrongful arrests – consequences and liability**
- 6. Qualifying persons who perform fugitive recovery**
- 7. Supervising persons who perform fugitive recovery**
- 8. Coordination with local law enforcement** *(section moved from old B)*

D. Transporting prisoners (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)

1. Liability considerations
2. Best practices
3. Coordination with law enforcement

E. Out of state/country activities (Sections 847.5, 1305(f) and (g) of the PC) (1 question of the 8 Laws Pertaining to Bail Agents and Fugitive Recovery questions)

1. Liability considerations
2. Notifying local law enforcement
3. Knowledge of local laws
4. UFAP, provisional arrest warrant, Interpol red notice

VIII. Privacy Protection Provisions (4 questions (5 percent) on the examination)

A. Insurance/Privacy Protection Act (Sections 791-791.26 of the CIC) (1 question of the 4 Privacy Protection Provision questions)

B. Confidential Communications (Section 2069 of the CCR) (1 question of the 4 Privacy Protection Provision questions)

C. Relations with clients, governmental employees and the public (2 questions of the

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4 Privacy Protection Provision questions)

- IX. Ethics, ~~Best Practices~~ and California Insurance Code (4 questions (5 percent) on the examination)
- ~~A. Keep informed of and obey all laws and regulations (State, Federal & local)~~
 - ~~1. Know your job – and continue to increase your level of competence~~
 - ~~B. Accurately and truthfully represent products and services~~
 - ~~C. Identify the client's needs~~
 - ~~1. Place the customer's interest first~~
 - ~~2. Use simple language; talk layman's language when possible~~
 - ~~D. Protect the confidential relationship with your clients~~
 - ~~E. Avoid unfair or inaccurate remarks about the competition~~
 - ~~F. Promptly and formally notify indemnitors of the possible liability or penalties in the event of non-appearance or surrender to custody of the defendant~~
 - ~~G. Cooperate with judiciary, law enforcement and public prosecution agencies~~
 - ~~H. Understand that the California Insurance Code (CIC) and the California Code of Regulations (CCR) identify many unethical and/or illegal practices, but the CIC and CCR are not a complete guide to ethical behavior~~
- A. **Best Practices (4 questions of the 4 Ethics and California Insurance Code questions)**
- 1. Keep informed and updated on all laws that regulate the bail industry**
 - a. Understand that the California Insurance Code (CIC) and the California Code of Regulations (CCR) identify many unethical and/or illegal practices, but the CIC and CCR are not a complete guide to ethical behavior**
 - b. Keep apprised of other local, state or federal laws that may affect your duties as a bail agent**
 - c. Always keep in mind that ignorance of the law is not a defense**
 - 2. Identify the needs of consumers and make sure that your representations and agreements are within the laws and contents of agreements and contracts**
 - 3. Know, understand and practice the confidentiality and fiduciary responsibility of the information you have obtained about and from your clients**
 - a. Familiarize yourself with the laws that regulate confidentiality of information, especially financial information (e.g. The Gramm-Leach-Bliley Act (GLBA))**
 - 4. Avoid unfair or inaccurate remarks about the competition**
 - 5. Promptly and formally notify indemnitors of the possible liability or penalties in the event of non-appearance or surrender to custody of the defendant**
 - 6. Cooperate with judiciary, law enforcement and public prosecution agencies without violating confidentiality laws**