

**STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INSURANCE**

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Issued: December 19, 2018

## **Bail Update**

Topics Covered:

1. Bail Pre-licensing, Training, and Continuing Education
  2. Limited-Liability Companies and Sole Proprietors as Bail Agents and Bail Enforcement Agents
  3. Badges for Bail Enforcement Agents
  4. Mobile & Residential Bail Businesses
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### **1. Bail Pre-licensing, Training, and Continuing Education**

The Division has been advised that Truckee Meadows Community College will no longer offer bail-related courses. With this news, there is currently no provider of bail-related courses in Nevada.

Nevada law requires applicants for bail licenses to obtain pre-licensing education (“PE”) or training in order to apply for a license. Without a provider, no new applicants will qualify for a bail license. (Note that applicants for a bail enforcement agent license may qualify if they meet the other training the Commissioner is authorized to accept, namely military or law enforcement training.)

Without a provider, there are no continuing education (“CE”) courses available for current bail licensees to meet the 3.0 hour CE requirement.

The Division is not authorized to provide CE courses. Nevada law requires bail licensees to provide proof that they have complete a 3-hour CE course that is

- (1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and
- (2) Approved by the Commissioner.

NRS 697.230.1(a). Therefore, it is incumbent on the bail industry to determine how it will proceed with addressing the lack of bail education in Nevada.

For more information about education providers, visit [http://doi.nv.gov/Licensing/Education\\_Providers/](http://doi.nv.gov/Licensing/Education_Providers/).

For questions regarding course and instructor approval, contact Pearson VUE at [ce\\_providers@pearson.com](mailto:ce_providers@pearson.com).

## **2. Limited-Liability Companies and Sole Proprietors as Bail Agents and Bail Enforcement Agents**

A number of bail agents are organized as limited-liability companies (“LLCs”) and sole proprietors. Be advised that, pursuant to NRS 697.100.1–2, only a natural person and a corporation are permitted to hold a license as a bail agent. Two or more bail agents are permitted to enter into a partnership to conduct bail business. NRS 697.100.3. This means that no other types of business organization, such as LLCs and sole proprietors, are permitted to hold a bail agent license.

The same limitation exists for bail enforcement agents, except that, currently, no LLC or sole proprietor is licensed as a bail enforcement agent. NRS 697.100.1–2. Bail enforcement agents may not enter into a partnership to conduct a bail business. NRS 697.100.3.

As the Division completes its licensing audit of bail licensees, the Division will notify each business organization licensed as a bail agent in Nevada that it must convert to a corporation or cease business in order to come into compliance with the law. Entities will have until December 31, 2019, to complete this transition.

If the bail industry wants LLCs and sole proprietors to be permitted to hold a bail agent or bail enforcement agent licenses, the statutes must be changed. The Division will not take this matter to the Legislature, as this was a policy decision of a past Legislature. The Division would take a neutral stance on such a change if the industry wishes to bring this matter to the Legislature. If no change is made to the statute, the Division must enforce existing law, which does not allow LLCs or sole proprietors to hold bail agent or bail enforcement agent licenses.

## **3. Badges for Bail Enforcement Agents**

At the Bail Compliance Project Kick-Off, several bail enforcement agents asked about bail enforcement agents’ being able to use badges to identify themselves as licensed bail enforcement agents. Nevada law authorizes certain persons to wear badges in executing their official duties. Unfortunately, no such law currently exists for BEAs. The Division is considering adding a provision to bail regulations to allow BEAs to be issued badges. However, until a regulation is properly promulgated, the Division has no authority to permit the use of any badge.

The Division has begun researching identification badges. Keep in mind that any badge that appears similar to law enforcement, or that a reasonable person would consider to be representing law enforcement would not be approved for use. Consider, as well, that oversight of badges will increase the cost of the BEA license, and the Division must have adequate staff to develop standards for, as well as review and regulate the use of badges.

If you wish to provide input on this subject, please submit your written comment to the Division by email, [insinfo@doi.nv.gov](mailto:insinfo@doi.nv.gov).

#### **4. Mobile and Residential Bail Businesses**

Nevada law currently requires bail agents to “have and maintain in this state a place of business accessible to the public, wherein the licensee principally conducts transactions under his or her license.” NRS 697.280.1. The address of the principal place of business must appear on the license. NRS 697.280.1. This statute is not designed to allow a mobile business because a vehicle is not generally accessible to the public, nor does it have an address that can appear on the license.

There is no prohibition on conducting business in a residence; however, whether a residence qualifies as a principal place of business is also under review because a residence is not generally accessible to the public.

Nevada statutes limit where bail agents may conduct business. If the bail industry wants flexibility in where the business of bail is transacted, the statutes must be changed. The Division will not take this matter to the Legislature, as this was a policy decision of a past Legislature. The Division would take a neutral stance on such a change if the industry wishes to bring this matter to the Legislature. If no change is made to the statute, the Division must enforce existing law, which limits where bail agents may conduct business.

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