

40-11-126. "Unprofessional conduct" defined for bondsmen and surety agents.

In addition to the criminal sanctions elsewhere provided by law, the following is deemed unprofessional conduct and no bondsman or surety agent shall:

- (1)** Suggest or advise the employment of or name for employment any particular attorney to represent the bondsman's principal;
 - (2)** Pay a fee or rebate or give or promise anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture of the bail bond;
 - (3)** Pay a fee or rebate or give anything of value to an attorney in bail bond matters except in defense of any action on a bond;
 - (4)** Pay a fee or rebate or give or promise anything of value to the principal or anyone in the principal's behalf;
 - (5)** Participate in the capacity of an attorney at a trial or hearing of one on whose bond the person is a surety;
 - (6)** Solicit business directly or indirectly, by active or passive means, or engage in any other conduct which may reasonably be construed as intended for the purpose of solicitation of business in any place where prisoners are confined or in any place immediately surrounding where prisoners are confined;
 - (7)** Surrender a principal or ask any court to be relieved from a bail bond arbitrarily or without good cause;
 - (8)** Accept anything of value from a principal except the premium; provided, that the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. When a bail bondsman accepts collateral, the bondsman shall give a written receipt for the collateral, and this receipt shall give in detail a full description of the collateral received and the terms of redemption;
- or
- (9)** Engage in the business of a professional bondsman or surety without maintaining a permanent business office, business

telephone and appropriate signage indicating that the office is a professional bail bond business.