

ACT 181

S.B. NO. 125

A Bill for an Act Relating to Bail Bond Agents.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The following chapters and sections are hereby repealed effective December 31, 1993:

- (1) Chapter 452 (Board of Massage)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 460 (Board of Osteopathic Examiners)
- (4) Chapter 461J (Board of Physical Therapy)
- (5) Chapter 463E (Podiatry)
- (6) Chapter 514E (Time Sharing Plans)
- [(7) Sections 804-61 and 804-62]”

SECTION 2. Section 804-10.5, Hawaii Revised Statutes is amended by amending subsection (b) to read as follows:

“(b) No person shall be sufficient surety who:

- (1) Has been convicted of perjury for submitting a false statement under section 804-11.5; [or]
- (2) Does not satisfy the requirements of section 804-11.5[.]; or
- (3) Does not satisfy the requirements of article 9, chapter 431, if posting an insurance bond as defined in section 431:1-210(1).”

SECTION 3. Section 804-62, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§804-62]]~~ **Limit of compensation; penalty.** (a) The amount of compensation which may be collected on any bail bond or bond to keep the peace by one or more persons acting as sureties thereon shall not exceed [ten] a one time only fee from five to fifteen per cent of the amount thereof, but need not be less than [10] \$50 in any event[.]; provided that additional fees, subject to subsection (b), may be collected for:

- (1) The posting of a surety insurance bond as defined in section 431:1-210(1);
- (2) The posting of a bond on behalf of a person whose case is pending appeal; or
- (3) The posting of a bond in which more than one year has passed since the filing thereof.
- (b) The compensation collected pursuant to sections 804-62(a)(2) and (a)(3), in any year after the first year, may be collected annually, and:
 - (1) Shall be charged on a prorated basis; and
 - (2) Shall not exceed the percentage charged in the first year.

[(b)] (c) Every person holding a license to act as surety on any bail bond or bond to keep the peace who violates this section shall be fined not more than \$250 and shall forfeit the license and shall not be entitled to receive a similar license for a period of one year thereafter.”

SECTION 4. Section 804-61, Hawaii Revised Statutes, is repealed.

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SECTION 5. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 9, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.