



► Bail Bondsmen – Types of Licenses ◀

Pursuant to W.Va. Code §51-10-8(j), after July 1, 2022, a person shall not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the OIC. A “bondsmen” or “bail bondsman” is defined in W.Va. Code §51-10-8 and W.Va. Code R. §114-03-2.4 as any person engaged in the bonding business who has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority, **or** who is approved and licensed under the provisions of W. Va. Code §51-10-1 *et seq.* and who pledges cash or approved securities with the OIC as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge. The OIC issues two types of bail bondsman licenses pursuant to W.Va. Code R. §114-103-1-, *et seq.* – **surety bondsman** and/or **professional bondsman**.

A **professional bondsman** is a bail bondsman who pledges cash, an irrevocable letter of credit, an annuity, a financial guarantee bond, or real estate as security for bail bonds. A professional bondsman is sometimes referred to as a cash bondsman, property bondsman or self-insured bondsman. A professional bondsman does not have an agreement with an insurance company or surety company to write bonds that are guaranteed or backed by an insurance company or surety company. Instead, a professional bondsman’s bail bonds are secured by cash, letter of credit, annuity, financial guarantee bond, or real property pledged to the OIC.

A **surety bondsman** is a bail bondsman who is an insurance producer with a property and casualty line of authority and who is appointed by the insurer to execute or countersign bail bonds for the insurer through a qualified power of attorney **or, alternatively,** is a bail bondsman who posts approved security with the OIC by providing the OIC with a qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement and is licensed by the by OIC as an insurance producer with a limited lines surety line of authority and appointed by an insurer to execute or countersign bail bonds for the insurer. In sum, surety bondsman has an insurance producer license issued by the OIC, either property and casualty or limited lines surety, and has an appointment with an insurance company or surety company to write bail bonds that are guaranteed by the insurance company or surety company. This arrangement may require the bail bondsman to indemnify the insurer or make use of a collateral account or other account funded by the bail bondsman. However, the bail bond is nevertheless guaranteed by the insurer with which the surety bondsman is authorized to issue bonds on its behalf.

A bondsman may apply for licensure as a professional bondsman, surety bondsman, or both. The application fee for a two (2) year bail bondsmen license is \$200.00 and is nonrefundable.

To assist and educate bail bondsmen and other stakeholders, the OIC will, periodically, release brief guidance about certain issues regarding licensing and qualifications of bail bondsmen. Questions pertaining to this guidance or the OIC’s licensure or regulation of bail bondsmen may be directed to: OICBailBondsmen@wv.gov.

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