

# YOUR EXAM CONTENT OUTLINE

for examinations on or after January 1, 2005.

*If you do not receive both pages of this outline, please contact Exporior.*

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The following outline describes the content of your South Dakota insurance exam. This outline is the basis of your exam. The exam will contain questions on the subjects contained in the outline. The percentages indicate the relative weight assigned to each section of the exam. For example, 10 percent means that 5 questions will be drawn from the section on a 50-question exam, 10 will be drawn on a 100-question exam, and 15 will be drawn on a 150-question exam.

## Series 10-49:

### South Dakota Examination for Bail Bonds

#### 50 questions—One-hour time limit

#### **1.0 Insurance Regulation 10%**

##### **1.1 Licensing**

- Persons to be licensed
  - Ineligibility (58-22-3)
- Types of bail bondspersons
  - Runner (58-22-1(5))
  - Professional bondsperson (58-22-1(3))
  - Property bondsperson (58-22-1(4))
  - Surety bondsperson (58-22-1(6))
- Appointment (58-22-8, 27)
- Termination of appointment (58-22-9, 28)
- Maintenance and duration
  - Expiration (58-22-19)
  - Renewal (58-22-20)
  - Annual license registration (58-22-25)
  - Termination of business (58-22-26)
- Disciplinary actions
  - Denial, revocation and nonrenewal (58-22-21)
  - Suspension (58-22-11, 22)

##### **1.2 Bondsperson regulation**

- Runner requirements (58-22-12, 13)
- Professional bondsperson requirements
  - Annual financial statement (58-22-10)
  - Trust deposits (58-22-24)
  - Annual list of forfeitures (58-22-38)
- Prohibited conduct
  - Rebates (58-22-29, 33, & 34)
  - Compensation (58-22-30)
  - Solicitation where prisoners are confined (58-22-32)
  - Practice of law (58-22-35)
  - Referral of attorney (58-22-36)
  - Signing bond in blank (58-22-37)
- Unfair trade practices
  - False advertising (58-33-6)
  - Defamation of insurer (58-33-7)
  - Boycott, coercion and intimidation (58-33-32)
  - Unfair discrimination (58-33-12; 13.1)

Insurance fraud regulation (58-4A-1-17)

#### **2.0 Principles of Bail Bonds 45%**

##### **2.1 Parties to a surety bond**

- Principal
  - Indemnitor for principal
  - Indemnity agreement
  - Rights of indemnitor (bondsperson, surety)
  - Collateral and trust obligations of bondsperson

Obligee

Surety

Custody requirements

Responsibilities and rights of each party

##### **2.2 Requirements (eligibility) of a surety**

##### **2.3 Duties of bail bondsperson**

Receipt for collateral

##### **2.4 Compensation of surety**

##### **2.5 Types of bonds**

- Personal surety bond
- Corporate surety bond
- Property bond
- Professional bond

#### **3.0 Bail Bond Practices 35%**

##### **3.1 Court procedures**

- Felonies versus misdemeanors
- Warrants
- Custody
- Court appearances
- Conditions of release
- Appeals

##### **3.2 Bond forfeiture**

- Motion
- Notice to defendant and sureties
- Dispersal of funds
- Rights of defendant apprehended by surety

##### **3.3 Surrender of principal (defendant)**

- Return of premium
- Return of collateral

#### **4.0 Legal Framework 10%**

##### **4.1 Terminology**

- Appearance bond
- Acquitted
- Adjudication
- Capital offense
- Convicted
- Defendant
- Disposition
- Extradition
- Fugitive
- Hearing
- Incarcerated
- Indictment
- Recognizance
- Judicial sentence
- Writ

Forfeiture  
Supersedeas  
Habeas corpus  
Arraignment  
Trial by jury  
Exoneration