

# Your Exam Content Outline

The following outline describes the content of one of the North Dakota insurance examinations. The outlines are the basis of the examinations. The examination will contain questions on the subjects contained in the outline. The percentages indicate the relative weights assigned to each part of the examination. For example, 10 percent means that 6 questions will be drawn from the section on a 60-question exam, 10 will be drawn on a 100-question exam and 15 will be drawn on a 150-question exam.

## North Dakota Examination for Bail Bonds Series 13-63

**60 questions (plus 5 unscored items)**

**70 minute time limit**

### 1.0 Insurance Regulation 23% (14 Items)

#### 1.1 Licensing

- Commissioner's general duties and powers (26.1-01-03; 26.1-04-09)
- Process (26.1-26-11.1, 13.1, 13.2, 13.3, 15; Reg 45-02-02-02, 05)
- Persons to be licensed (26.1-26.6-03, 04)
- Requirements (26.1-26-13.1-13.3; 26.1-26.6-02)
- Appointment (26.1-26-13.1; 26.1-26.6-01; Reg 45-02-02-06)
- Maintenance and duration
  - Renewal of appointments (26.1-26-32; Reg 45-02-02-07)
  - Termination (26.1-26-31; Reg 45-02-02-12)
  - Termination of appointment (26.1-26-34; Reg 45-02-02-06)
  - Change of address (26.1-26-33; Reg 45-02-02-13)
  - Reporting of actions (26.1-26-45.1)
  - Assumed business names (26.1-26-25.1)
- Disciplinary actions
  - Refusal of license (26.1-26-39, 40, 42)
  - Cease and desist orders (26.1-01-03.1; 26.1-04-13)
  - Suspension, revocation and probation (26.1-26-42-46; 26.1-26.6-05)
  - Penalties for violations (26.1-01-03.3; 26.1-04-13-17; 26.1-26-50, 51)

- Commissions (26.1-26-04)
- Examination of books and records (26.1-03-19.2; 26.1-26-48)
- Unfair practices
  - Misrepresentation (26.1-04-03(1), (12), 07)
  - False advertising (26.1-04-03(1), (2))
  - Defamation (26.1-04-03(3))
  - Boycott, coercion and intimidation (26.1-04-03(4), 04)
  - False financial statements (26.1-04-03(5))
  - Unfair discrimination (26.1-04-03(7), (11))
- Insurance fraud regulation (26.1-02.1-01-11)
- Consumer information privacy regulation (26.1-02-27; Reg 45-14-01-01-25)

#### 1.2 Bail bondsman regulation

- Employees (26.1-26.6-05(1)(h))
- Prohibited conduct (26.1-26.6-05)
  - Referral of attorney ((1)(a))
  - Solicitation where prisoners are confined ((1)(c))
  - Rebates ((1)(e))
  - Signing bond in blank ((3))
- Compensation (26.1-26.6-08)

#### 1.3 Federal regulation

- Fraud and false statements (18 USC 1033, 1034)

### 2.0 The Legal Framework 18% (11 Items)

#### 2.1 Authority

- Express
- Implied
- Apparent

## 2.2 Contracts

Elements of a legal contract

Offer and acceptance

Consideration

Competent parties

Legal purpose

Classifications of contracts

Formal and informal

Unilateral and bilateral

Executory and executed contracts

Express and implied

Concealment

Fraud

## 2.3 Court jurisdictions

Original jurisdiction

Territorial

Subject-matter

Personal

Appellate jurisdiction

## 2.4 Terminology

Acquit

Adjudicate

Capital offense

Conviction

Custody

Defendant

Disposition

Extradition

Felony

Fugitive

Hearing

Incarceration

Indictment

Misdemeanor

Mittimus

Recognizance

Revoke

Suspend

Warrant

Writ

## 3.0 Bail Bond Principles and Practices 59% (35 Items)

### 3.1 Parties to a surety bond

Principal

Indemnitor for principal

Indemnity agreement

Obligee

Surety

### 3.2 Duties of a bail bond agent

Premium receipt

Power of attorney

Collateral and trust obligations (26.1-26.6-05(4))

### 3.3 Types of bonds

Personal surety bond

Corporate surety bond

Criminal defendant bonds

Bail

Appeal

Supersedeas

Habeas corpus

Property bond

Nonsurety/cash

Ten percent surety

### 3.4 Procedure

Application for bond (Surety/defendant contract)

Collateral security

Surety contract

Posting the bond

Informational notice

### 3.5 Court procedures

Court appearances

Arraignment

Trial

Appeal

Conditions of release (ND Rules of Criminal Procedure - Rule 46)

Prior to trial

Pending appeal

Failure to appear (26.1-26.6-09)

Revocation of bail

### **3.6 Release of surety**

### **3.7 Surrender of principal (defendant)** (26.1-26.6-07)

Exoneration of bond

Return of premium

Return of collateral

### **3.8 Bond forfeiture**

Motion

Notice to defendant and sureties

Judgment

Dispersal of funds

Time limits for appeal

Arrest after forfeiture