

ORDINANCE NO. 81955

An Ordinance amending article 73 of the License and Business Code (Ordinance No. 76398) so as to make more definite regulations applicable to professional bondsmen.

The City of Portland does ordain as follows:

Section 1. Section 20-7302 of the License and Business Code (Ordinance No. 76398) is hereby amended to read as follows:

Section 20-7302. DEFINITION AND SCOPE. A  
"professional bondsman" shall be any person engaged in the business of furnishing bonds of any nature for any compensation, whether direct or indirect, on behalf of any person arrested for the violation of a city ordinance of the city of Portland, or bonds on appeal to the circuit court of the state of Oregon for Multnomah county from any conviction in the municipal court. Nothing in this article shall apply to a surety company authorized by the laws of the state of Oregon to execute bonds as surety, or to any person who executed a bond as surety without compensation, or to any person who acts as surety for another but is not engaged in the occupation or business of acting as surety; provided, however, that any person not in such business or acting without compensation shall upon executing such bond file a statement with the clerk of the said court to the effect that such person is not engaged in the business of furnishing bonds, is receiving no compensation therefor, and is not at that time acting as surety on more than two other such bonds. Indirect compensation for furnishing bonds shall include requiring the hiring of an attorney selected by the bondsman. Any person who is acting as surety on more than three bonds in force at the same time, though such person receives no compensation therefor, shall be considered a professional bondsman. The word "bond" shall mean any bond, undertaking or recognizance required by law or rule of court that is filed in said municipal court in any cause either upon original arrest on process issued out of the municipal court or on appeal by the defendant from a conviction in the municipal court to the circuit court of the state of Oregon for Multnomah County.

Section 2. Section 20-7310 of said code is hereby amended to read as follows;

Section 20-7310. BONDSMAN NOT TO ACT AS ATTORNEY, AGENT, ETC. It shall be unlawful for any professional bondsman in any manner, directly or indirectly, to act as attorney, agent or in any other representative capacity for any person for whom he is a surety on such bond, or to act as a solicitor in behalf of any attorney, or to refuse to furnish a bond unless a particular attorney is to be obtained, or to collect or receive, directly or indirectly, any fee or compensation from any person for whom a bond has been or is intended to be furnished other than the authorized bond fee as herein provided, or to give any legal advice to any person for whom a bond is furnished or intended to be furnished, or to act in any capacity as a legal representative.

Section 3. Said article 73 is further amended by adding thereto two new sections to be numbered, entitled and reading as follows:

Section 20-7311. MAXIMUM FEES. It shall be unlawful for a professional bondsman to charge for any bond for appearance in the Municipal Court or any bond on appeal from the Municipal Court, a sum in excess of 10 per cent of the amount of the bond up to and including \$100.00, and, for any bond in excess of \$100.00, the sum of \$10.00 plus 5 per cent of the amount exceeding \$100.00.

Section 20-7312. RECORD TO BE KEPT. Each professional bondsman shall keep a record showing the date of each bond, the amount of the bond, the amount of the fee charged, and the case number (if the bond applies to an appeal of a case in court), and shall permit police officers and inspectors of the Bureau of Licenses to examine such records during business hours. Such bondsman shall also sign a certificate on each paper bond issued showing the amount of fee charged, and, in case a cash bond is furnished, give a receipt, sign a similar certificate on the receipt for the money received, furnish the original receipt to the person making payment and keep a duplicate original for his own records. Such duplicate shall be subject to inspection as above provided.

Passed by the Council DEC 27 1945

W. S. F.  
Mayor Riley  
11-19-45  
LEL-ek

Attest:

Mayor of the City of Portland

Auditor pro tem of the  
City of Portland

5213  
5000

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THURSDAY

Earl Riley

DEC 13 1945

READ 1 & 2 and up for Third Reading  
9:30 A.M. DEC 27 1945

THE FOLLOWING OFFICERS OFFICIAL VOTED IN THE FORFEITURE OF BOND		
	YEARS	DAYS
BOWES	1	
COOPER	1	1
ICE	1	
RECTOR	1	1
RILEY	1	1

Moved DEC 27 1945

*John B. Schuman*  
Auctioneer  
of the CITY OF PORTLAND

By *I. W. EVELL*  
Deputy