



**National Association of Surety Bond Producers**

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April 11, 2012

Delivered via email to: [dcswawendy@dejazzd.com](mailto:dcswawendy@dejazzd.com)

Ms. Wendy L. Marburger, Office Manager  
Delaware County Solid Waste Authority  
583 Longview Road  
Boyertown, PA 19512

RE: Countersignature requirement for Contract No. 3-040412

Dear Ms. Marburger:

On behalf of the National Association of Surety Bond Producers (NASBP), a national trade association representing firms employing surety bond producers, including licensed resident and licensed non-resident agents placing contract surety bonds in Pennsylvania, I am contacting you about a requirement stated in the "Bid for Capping for the Delaware County Solid Waste Authority," located in Earl Township, Berks County, Pennsylvania. Specifically, my concern is with Section 19.4, which requires the bid bond to be signed by a "Pennsylvania Licensed Resident Agent." There is no statute or law in Pennsylvania that provides a preference to licensed resident agents versus licensed non resident agents.

You should note that state statutes mandating resident agent countersignature requirements on insurance policies have been uniformly struck down in court decisions across the United States as such statutes impose requirements that are unconstitutional. All states having such statutes have repealed them as being wholly outdated with respect to modern business practices and at odds with federal constitutional law. On constitutional grounds, licensed nonresident agents must be given the ability to conduct business on substantially equal terms with licensed resident agents.

For these reasons, NASBP respectfully requests that you immediately amend Contract No. 3-040412, Section 19.4, to make clear that both licensed resident agents and licensed non-resident agents may sign the bid bond.

NASBP appreciates your attention to this important matter and looks forward to your prompt response on the requested actions.

Please feel free to contact me at 202-686-3700 or [lleclair@nasbp.org](mailto:lleclair@nasbp.org) if you have any further questions.

Sincerely yours,

A handwritten signature in black ink, reading "Larry LeClair". The signature is written in a cursive, flowing style with a large initial "L".

Larry LeClair  
Director, Government Relations