

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 869

4
5 By: Senator J. Jeffress
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For An Act To Be Entitled

8
9 AN ACT TO REGULATE THE LICENSING, EDUCATION, AND
10 LICENSE TRANSFERS OF BAIL BONDSMAN, AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO REGULATE THE LICENSING,
15 EDUCATION, AND LICENSE TRANSFERS OF BAIL
16 BONDSMAN.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 17-19-102(b), concerning penalties for
22 misrepresenting the satisfaction of education requirements, is amended to
23 read as follows:

24 (b) ~~Any~~ A person who falsely represents to the Professional Bail Bond
25 Company ~~and or~~ or Professional Bail Bondsman Licensing Board that ~~any~~ the person
26 has met the education or continuing education requirements of §§ ~~17-19-107,~~
27 17-19-212, and 17-19-401 et seq., shall be guilty of a Class B misdemeanor
28 and upon conviction shall be punished accordingly.
29

30 SECTION 2. Arkansas Code § 17-19-107 is repealed.

31 ~~17-19-107. Exception to education requirements.~~

32 ~~Any licensed professional bail bondsman who is sixty five (65) years of~~
33 ~~age or older and who has been licensed as a bail bondsman for fifteen (15)~~
34 ~~years or more shall be exempt from both the education and continuing~~
35 ~~education requirements of § 17-19-212 and § 17-19-401 et seq.~~
36



SECTION 3 Arkansas Code § 17-19-108 is amended to read as follows:

17-19-108. Rules and regulations.

The professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall adopt such reasonable rules ~~and regulations~~ as it shall deem necessary to assure the effective and efficient administration of §§ ~~17-19-107,~~ 17-19-212, and 17-19-401 et seq.

SECTION 4. Arkansas Code § 17-19-202 is amended to read as follows:

17-19-202. Applications.

(a) Every applicant for a professional bail bondsman license or a professional bail bond company license shall apply on forms furnished by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

(b) The application of a professional bail bondsman shall be accompanied by a duly executed power of attorney issued by the professional bail bond company for whom the professional bail bondsman will be acting.

(c)(1) An application for a professional bail bond company license shall be accompanied by proof that the applicant:

(A) Is an Arkansas partnership, firm, or corporation, a foreign corporation registered and authorized to conduct business in the State of Arkansas, or an individual who is a resident of the state; and

(B) Has at least one (1) owner or partner that has been licensed for at least two (2) years during the last three (3) years by the State of Arkansas as a professional bail bondsman.

(2) A corporation shall file proof that its most recent annual franchise tax has been paid to the Secretary of State.

(d)(1)(A) At the time of application for every professional bail bond company license, there shall be paid to the board:

(i) For a new company license, a fee of two thousand five hundred dollars (\$2,500); or

(ii) For a renewal of a company license, a fee of one thousand dollars (\$1,000).

(B) Each professional bail bond company license or renewal for a sole proprietor, partnership, or corporation shall include one (1) license for one (1) agent per company per year.

~~(2)~~(3) Each applicant for a professional bail bondsman license

1 shall pay the board a license fee of one hundred dollars (\$100) at the time
 2 of application, except that if the applicant is also an applicant as an
 3 individual for a professional bail bond company license, then the applicant
 4 shall not be required to pay a license fee for licensure as a professional
 5 bail bondsman but shall comply with all other requirements for licensure as a
 6 professional bail bondsman.

7 ~~(3)~~(4) License fees shall be payable in full on a yearly basis
 8 regardless of the date of issuance.

9 ~~(4) Any agent who transfers his or her license from one~~
 10 ~~professional bail bond company to another shall:~~

11 ~~(A) Pay to the board a transfer fee of two hundred fifty~~
 12 ~~dollars (\$250); and~~

13 ~~(B) File with the board:~~

14 ~~(i) A sworn affidavit stating that all premiums,~~
 15 ~~fees, and powers of attorney owed to or issued by the professional bail bond~~
 16 ~~company from which he or she is transferring his or her license have been~~
 17 ~~delivered to the company;~~

18 ~~(ii) A letter of resignation addressed to the~~
 19 ~~professional bail bond company from which he or she is transferring or a~~
 20 ~~letter of termination addressed to him or her from the professional bail bond~~
 21 ~~company terminating his or her appointment;~~

22 ~~(iii) A completed agent application on forms~~
 23 ~~prescribed by the board;~~

24 ~~(iv) A completed company statement from the company~~
 25 ~~to which he or she desires to transfer his or her license; and~~

26 ~~(v) An original qualifying power of attorney issued~~
 27 ~~by the company to which he or she desires to transfer his or her license.~~

28 ~~(5)(A) Upon receipt of a request for transfer of a bail bondsman~~
 29 ~~license, the applicable transfer fee, and the documents specified in~~
 30 ~~subdivision (d)(4) of this section, the board shall forward copies of the~~
 31 ~~letter of resignation, if applicable, and the sworn affidavit of the agent to~~
 32 ~~the professional bail bond company from which the agent desires to transfer~~
 33 ~~his or her license.~~

34 ~~(B) Upon receipt of the letter of resignation, if~~
 35 ~~applicable, and the sworn affidavit of the licensee, the professional bail~~
 36 ~~bond company from which the agent is transferring shall have seven (7)~~

1 ~~business days to contest the agent's sworn statement.~~

2 ~~(C)—A professional bail bond company contesting an agent's~~
3 ~~sworn statement shall file a written complaint on forms furnished by the~~
4 ~~board setting out in detail the property that the company denies the agent~~
5 ~~has returned as attested by the sworn affidavit.~~

6 ~~(D)—Any documents supporting the complaint contesting the~~
7 ~~sworn affidavit and which shall be offered as evidence to prove the complaint~~
8 ~~shall be filed with the complaint.~~

9 ~~(E)—Upon receipt of the complaint, the Executive Director~~
10 ~~of the Professional Bail Bond Company and Professional Bail Bondsman~~
11 ~~Licensing Board shall set the matter for informal hearing to be held within~~
12 ~~seven (7) days of receipt of the complaint and advise the professional bail~~
13 ~~bond company and the agent by certified mail, return receipt requested, of~~
14 ~~the date, time, and location of the informal hearing.~~

15 ~~(F)—Either party may appeal the decision of the executive~~
16 ~~director to a formal hearing before the board by filing with the board a~~
17 ~~notice of appeal within seven (7) days of receipt of the decision by the~~
18 ~~executive director.~~

19 ~~(G)(i)—No transfer of an agent's license shall be~~
20 ~~effective prior to the expiration of the seven day period for contesting the~~
21 ~~transfer request unless the professional bail bond company from which the~~
22 ~~agent is requesting a transfer shall notify the board that it has no~~
23 ~~objection to the transfer, in which case the transfer may be entered prior to~~
24 ~~expiration of the seven day period.~~

25 ~~(ii)—If no complaint contesting the agent's sworn~~
26 ~~affidavit is received during the seven day contest period, the license shall~~
27 ~~be transferred as requested.~~

28 ~~(iii)—A professional bail bond company that does not~~
29 ~~contest the sworn affidavit of a transferring agent is not precluded by the~~
30 ~~failure to contest the sworn affidavit from filing a complaint that alleges a~~
31 ~~violation of the applicable statutes, rules, or regulations by the~~
32 ~~transferring agent upon discovery of the alleged violation by the~~
33 ~~professional bail bond company.~~

34 ~~(H)(i)—If the allegations of a complaint contesting the~~
35 ~~transfer are found by the board to have been established, no transfer of the~~
36 ~~license shall be accomplished until the agent accounts for, returns, or pays~~

~~to the professional bail bond company contesting the transfer the property or money issued to or held in a fiduciary capacity by the agent.~~

~~(ii) If a complaint is filed contesting the sworn affidavit of the transferring agent, a specific finding of fact shall be made by the board concerning whether the affidavit or complaint contesting the affidavit was filed in good faith by the respective parties.~~

~~(iii) In the case of a finding of a lack of good faith, the party to whom the finding applies shall be subject to sanctions or disciplinary action pursuant to the provisions of § 17-19-210 and as provided by applicable rules.~~

SECTION 5. Arkansas Code § 17-19-402 is amended to read as follows:

17-19-402. Establishment of education program – Schedule of fees.

(a) The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall on an annual basis solicit proposals from ~~interested parties,~~ applicant education providers that are approved by the State Board of Private Career Education as education providers and upon review of the proposals from all applicants, designate an entity or entities to establish an education program for professional bail bondsmen ~~which that~~ will enable bail bondsmen to meet the education pre-license and continuing education requirements of §§ 17-19-212 and 17-19-401 et seq.

(b)(1) The board or its designee shall establish a schedule of fees to be paid by each bail bondsman for the educational training.

(2) The schedule of fees shall be subject to approval of the board.