

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 858 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1869

5 By: Representative Wills
6
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For An Act To Be Entitled

9 AN ACT CONCERNING THE TRANSFER OF BAIL BONDSMAN
10 LICENSES FROM ONE (1) PROFESSIONAL BAIL BOND
11 COMPANY TO ANOTHER; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT CONCERNING THE TRANSFER OF BAIL
14 BONDSMAN LICENSES FROM ONE (1)
15 PROFESSIONAL BAIL BOND COMPANY TO
16 ANOTHER.
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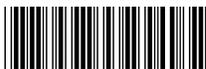
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 17-19-202 is amended to read as follows:
23 17-19-202. Applications.

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

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

31 (c)(1) An application for a professional bail bond company license
32 shall be accompanied by proof that the applicant is an Arkansas partnership,
33 firm, or corporation, a foreign corporation registered and authorized to
34 conduct business in the State of Arkansas, or an individual who is a resident
35 of the state.



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

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

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

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

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

12 (2) Each applicant for a professional bail bondsman license
13 shall pay the board a license fee of one hundred dollars (\$100) at the time
14 of application, except that if the applicant is also an applicant as an
15 individual for a professional bail bond company license, then the applicant
16 shall not be required to pay a license fee for licensure as a professional
17 bail bondsman but shall comply with all other requirements for licensure as a
18 professional bail bondsman.

19 (3) License fees shall be payable in full on a yearly basis
20 regardless of the date of issuance.

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

23 (A) pay Pay a transfer fee of two hundred fifty dollars
24 (\$250) to the board; and

25 (B) File with the board:

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

30 (ii) A letter of resignation addressed to the
31 professional bail bond company from which he or she is transferring or a
32 letter of termination addressed to him or her from the professional bail bond
33 company terminating his or her appointment;

34 (iii) A completed agent application on forms
35 prescribed by the board;

36 (iv) A completed company statement from the company

1 to which he or she desires to transfer his or her license; and

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

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

10 (B) Upon receipt of the letter of resignation, if
 11 applicable, and the sworn affidavit of the licensee, the professional bail
 12 bond company from which the agent is transferring shall have seven (7)
 13 business days to contest the agent's sworn statement.

14 (C) A professional bail bond company contesting an agent's
 15 sworn statement shall file a written complaint on forms furnished by the
 16 board setting out in detail the property that the company denies the agent
 17 has returned as attested to by the sworn affidavit.

18 (D) Any documents supporting the complaint contesting the
 19 sworn affidavit and which shall be offered as evidence to prove the complaint
 20 shall be filed with the complaint.

21 (E) Upon receipt of the complaint, the executive director
 22 of the board shall set the matter for informal hearing to be held within
 23 seven (7) days of receipt of the complaint and advise the professional bail
 24 bond company and the agent by certified mail, return receipt requested, of
 25 the date, time, and location of the informal hearing.

26 (F) Either party may appeal the decision of the executive
 27 director to a formal hearing before the board by filing with the board a
 28 notice of appeal within seven (7) days of receipt of the decision by the
 29 executive director.

30 (G)(i) No transfer of an agent's license shall be
 31 effective prior to the expiration of the seven-day period for contesting the
 32 transfer request unless the professional bail bond company from which the
 33 agent is requesting a transfer, shall notify the board that it has no
 34 objection to the transfer in which case the transfer may be entered prior to
 35 expiration of the seven-day period.

36 (ii) If no complaint contesting the agent's sworn

1 affidavit is received during the seven-day contest period, the license shall
2 be transferred as requested.

3 (iii) A professional bail bond company that does not
4 contest the sworn affidavit of a transferring agent is not precluded by the
5 failure to contest the sworn affidavit from filing a complaint that alleges a
6 violation of the applicable statutes, rules, or regulations by the
7 transferring agent upon discovery of the alleged violation by the
8 professional bail bond company.

9 (H)(i) If the allegations of a complaint contesting the
10 transfer are found by the board to have been established, no transfer of the
11 license shall be accomplished until the agent accounts for, returns, or pays
12 to the professional bail bond company contesting the transfer the property or
13 money issued to or held in a fiduciary capacity by the agent.

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

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

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24 APPROVED: 3/15/2005
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