

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 730 of the Regular Session

1 State of Arkansas

As Engrossed: S3/8/07 S3/14/07 H3/22/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

SENATE BILL 975

4
5 By: Senator Critcher

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8 **For An Act To Be Entitled**

9 AN ACT TO REALLOCATE A PORTION OF THE BAIL BOND
10 FEES UNDER ARKANSAS CODE § 17-19-101 ET SEQ.; AND
11 FOR OTHER PURPOSES.

12
13 **Subtitle**

14 TO REALLOCATE A PORTION OF THE BAIL BOND
15 FEES UNDER ARKANSAS CODE § 17-19-101 ET
16 SEQ.

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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 § 17-19-111 is amended to read as follows:*
22 *17-19-111. Fees.*

23 *(a) Notwithstanding any other provisions of this chapter to the*
24 *contrary, and notwithstanding any other provisions of Arkansas law to the*
25 *contrary, professional bail bond companies are hereby required to charge,*
26 *collect, and remit the following fees for direct deposit as special revenues*
27 *into the State Insurance Department Trust Fund for the support, personnel,*
28 *maintenance, and operations of the State Insurance Department and for the*
29 *Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic*
30 *Violence Commission, in addition to any other fees, taxes, premium taxes,*
31 *levies, or other assessments imposed in connection with the issuance of bail*
32 *bonds by professional bail bond companies under Arkansas law.*

33 *(b)(1) In addition to the bail or appearance bond premium or*
34 *compensation allowed under § 17-19-301, each licensed professional bail bond*
35 *company shall charge and collect as a nonrefundable fee for the fund an*



1 additional ten dollar (\$10.00) fee per bail bond for giving bond for each and
2 every bail and appearance bond issued by the licensed professional bail bond
3 company by or through its individual licensees.

4 (2) The fees shall be collected quarterly and then reported and
5 filed with the Insurance Commissioner no later than fifteen (15) calendar
6 days after the end of each quarter.

7 (3) The notarized quarterly reporting form and a notarized
8 annual reconciliation form as to all fees collected for the fund shall be
9 filed by each professional bail bond company on forms prescribed by the
10 commissioner and at the times and in the manner as the commissioner shall
11 prescribe in conformity with this section.

12 (4) A paper-processing charge of fifteen dollars (\$15.00) shall
13 be collected on each bail bond in order to defray the surety's costs incurred
14 by the quarterly and annual reporting requirements contained herein and to
15 further defray the surety's costs incurred in the collection of all fees due,
16 owing, and collected on behalf of the fund and the surety's costs incurred in
17 the preparation of all required reports submitted in conformance with the
18 standards established by the American Institute of Certified Public
19 Accountants.

20 (c)(1) The commissioner may, in his or her discretion, grant an
21 extension for the filing of the report and fees for good cause shown upon
22 timely written request.

23 (2) Absent an extension for good cause shown, each licensed
24 professional bail bond company failing to report or pay these fees shall be
25 liable to the fund for a monetary penalty of one hundred dollars (\$100) per
26 day for each day of delinquency.

27 (3) The commissioner may pursue any appropriate legal remedies
28 on behalf of the fund to collect any delinquent fees and penalties owed as
29 special revenues.

30 (d)(1) Upon collection of the fees and any monetary penalties, the
31 commissioner shall deposit as special revenues:

32 (A) ~~all Sufficient~~ fees and penalties directly into the
33 ~~fund as special revenues~~ State Insurance Department Trust Fund to provide for
34 the personal services and operating expenses of the Professional Bail Bond
35 Company and Professional Bail Bondsman Licensing Board under subsection (g)
36 of this section; and

1 (B) The remainder of all fees and penalties directly into
2 the Domestic Peace Fund administered by the Arkansas Child
3 Abuse/Rape/Domestic Violence Commission.

4 (2) The fees and penalties shall be in addition to all other
5 fees, licensure or registration fees, taxes, assessments, levies, or
6 penalties payable to any federal or state office, court, agency, board, or
7 commission or other public official or officer of the state, or its political
8 subdivisions, including counties, cities, or municipalities, by professional
9 bail bond companies.

10 (3)(A) Each individual bail bondsman is required to assist in
11 collection of the fees, but is exempt from the duty and responsibility of
12 payment of the fees to the fund unless he or she misappropriates or converts
13 such moneys to his or her own use or to the use of others not entitled to the
14 fees.

15 (B) In that case, the commissioner shall proceed on behalf
16 of the fund with any civil or criminal remedies at his or her disposal
17 against the individual responsible.

18 (C) Upon criminal conviction of the individual responsible
19 for fraudulent conversion of the moneys due the fund, the individual
20 responsible shall pay restitution to the trust fund, and the court shall
21 incorporate a finding to that effect in its order.

22 (D) Absent substantial evidence to the contrary, the
23 violations of the individual may be attributed to the employing bail bond
24 company, and any criminal or civil court may, in its discretion and upon
25 substantial evidence, order the employing bail bond company to pay
26 restitution to the fund on behalf of the responsible individual and shall
27 incorporate that finding into its order.

28 (e) For purposes of any statutory security deposit Arkansas law
29 requires of professional bail bond companies, including, but not limited to,
30 the deposit under § 17-19-205, the payment of the fees required by this
31 section is considered to be a duty of the licensee, so as to allow the
32 commissioner on behalf of the fund to make a claim against any such deposit
33 for the fees required by this section and any penalties owed thereon, up to
34 the limit of any security deposit.

35 (f) Under no circumstances shall the fees or penalties thereon held in
36 or for deposit into the fund as special revenues be subject to any tax, levy,

1 or assessment of any kind, including, but not limited to, any bond forfeiture
2 claims, any garnishment or general creditors' claims, any remedies under
3 title 19 of this Code, or other provisions of Arkansas law.

4 (g)(1) At the beginning of each fiscal year, the department shall
5 certify to the Chief Fiscal Officer of the State an amount sufficient to
6 provide for personal services and operating expenses of the Professional Bail
7 Bond Company and Professional Bail Bondsman Licensing Board.

8 (2) The Chief Fiscal Officer of the State shall then transfer
9 the certified amount from the State Insurance Department Trust Fund to the
10 Bail Bondsman Board Fund.

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12 SECTION 2. Arkansas Code § 17-19-301(b), concerning bail bond premiums,
13 is amended to read as follows:

14 (b) The minimum compensation for giving bond or depositing money or
15 property as bail on any bond shall be not less than ~~thirty-five dollars~~
16 ~~(\$35.00)~~ fifty dollars (\$50.00).

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18 SECTION 3. Arkansas Code § 17-19-301(e)(6), concerning bail bond
19 processing fees, is amended to read as follows:

20 (6) In addition to the bail or appearance bond premium or
21 compensation allowed under this section and § 17-19-111, each licensed
22 professional bail bond company shall charge and collect a processing fee of
23 ~~three dollars (\$3.00)~~ five dollars (\$5.00) on each bail bond in order to
24 defray the surety's costs incurred by the quarterly and annual reports to the
25 commission and to further defray the surety's costs incurred in the
26 collection of all fees due owing and collected on behalf of the commission.

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28 /s/ Critcher

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30 APPROVED: 3/30/2007