

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Senator J. Dismang

# A Bill

SENATE BILL 178

## For An Act To Be Entitled

8 AN ACT REGARDING THE ADMINISTRATIVE PENALTY ISSUED BY  
9 THE PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL  
10 BAIL BONDSMAN LICENSING BOARD; AND FOR OTHER  
11 PURPOSES.

## Subtitle

15 REGARDING THE ADMINISTRATIVE PENALTY  
16 ISSUED BY THE PROFESSIONAL BAIL BOND  
17 COMPANY AND PROFESSIONAL BAIL BONDSMAN  
18 LICENSING BOARD.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. Arkansas Code § 17-19-210 is amended as follows:

24 17-19-210. Suspension and penalties – Review.

25 ~~(a) The Professional Bail Bond Company and Professional Bail Bondsman~~  
26 ~~Licensing Board may suspend for up to twelve (12) months or revoke or refuse~~  
27 ~~to continue any license issued pursuant to the provisions of this chapter if~~  
28 ~~after notice and hearing, the board determines that the licensee or any~~  
29 ~~member of a company which is so licensed has:~~

30 (a) The Professional Bail Bond Company and Professional Bail Bondsman  
31 Licensing Board, should it determine that the licensee or any member of a  
32 company which is so licensed committed an act listed in subsection (b) of  
33 this section, may:

34 (1) Suspend the license for up to twelve (12) months;

35 (2) Revoke or refuse to continue any license;

36 (3) Impose an administrative penalty in an amount not to exceed



1 ten thousand dollars (\$10,000); or

2 (4) Impose both a suspension of up to twelve (12) months and an  
3 administrative penalty in an amount not to exceed ten thousand dollars  
4 (\$10,000).

5 (b) A licensee is subject to the penalties of subsection (a) of this  
6 section should it be found that the licensee:

7 (1) Violated any provision of, or any obligation imposed by,  
8 this chapter or any lawful rule, regulation, or order of the board or has  
9 been convicted of a felony or any offense involving moral turpitude;

10 (2) Made a material misstatement in the application for license,  
11 in the application for renewal license, or in the financial statement which  
12 accompanies the application or renewal application for license as a  
13 professional bail bond company;

14 (3) Committed any fraudulent or dishonest acts or practices or  
15 demonstrated ~~his or her~~ incompetency or untrustworthiness to act as ~~such~~ a  
16 licensee;

17 (4) Charged or received, as premium or compensation for the  
18 making of any deposit or bail bond, any sum in excess of that permitted by  
19 law;

20 (5) Required as a condition of ~~his or her~~ executing a bail bond  
21 that the principal ~~agree~~ agrees to engage the services of a specified  
22 attorney;

23 (6) Signed, executed, or issued bonds with endorsements in  
24 blank, or prepared or issued fraudulent or forged bonds or power of attorney;

25 (7) Failed in the applicable regular course of business to  
26 account for and to pay premiums held by the licensee in a fiduciary capacity  
27 to the professional bail bond company or other person entitled thereto; or

28 (8) Failed to comply with the provisions of the laws of this  
29 state, or rule, regulation, or order of the board for which issuance of the  
30 license could have been refused had it then existed and been known to the  
31 board.

32 ~~(b)(c)~~ The acts or conduct of ~~any~~ a professional bail bondsman who  
33 acts within the scope of the authority delegated to him or her shall also be  
34 deemed the act or conduct of the professional bail bond company for which the  
35 professional bail bondsman is acting as agent.

36 ~~(e)(d)~~ If the board finds that one (1) or more grounds exist for the

1 suspension or revocation of ~~any~~ a license, the board may in its discretion  
 2 request that formal charges be filed against the violator and that penalties  
 3 set out in § 17-19-102 be imposed.

4 ~~(d)~~(e) If the board finds that one (1) or more grounds exist for the  
 5 suspension or revocation of a license and that the license has been suspended  
 6 within the previous twenty-four (24) months, then the board shall revoke the  
 7 license.

8 ~~(e)~~(f) The board may not again issue a license under this chapter to  
 9 any person or entity whose license has been revoked.

10 ~~(f)~~(g) If the board determines that the public health, safety, or  
 11 welfare imperatively requires emergency action, and incorporates a finding to  
 12 that effect in its order, a summary suspension of a license issued ~~pursuant~~  
 13 ~~to~~ under this chapter may be ordered pending an administrative hearing before  
 14 the board, which shall be promptly instituted.

15 ~~(g)~~(h) If a professional bail bond company license is so suspended or  
 16 revoked, ~~no~~ a member of the company or officer or director of the corporation  
 17 shall not be licensed or be designated in any license to exercise the powers  
 18 thereof during the period of the suspension or revocation, unless the board  
 19 determines upon substantial evidence that the member, officer, or director  
 20 was not personally at fault and did not acquiesce in the matter on account of  
 21 which the license was suspended or revoked.

22 ~~(h)~~(i) The action of the board in issuing or refusing to issue or in  
 23 suspending or revoking any license shall be subject to review by the Pulaski  
 24 County Circuit Court upon filing of an action therefor within thirty (30)  
 25 days after the issuance of written notice by the board of the action taken.

26  
 27 SECTION 2. Arkansas Code § 17-19-211 is repealed.

28 ~~17-19-211. Administrative penalty.~~

29 ~~If the Professional Bail Bond Company and Professional Bail Bondsman~~  
 30 ~~Licensing Board finds that one (1) or more grounds exist for the suspension~~  
 31 ~~or revocation of any license, the board in its discretion, and in lieu of~~  
 32 ~~suspension or revocation, may impose upon the licensee an administrative~~  
 33 ~~penalty in an amount not to exceed five thousand dollars (\$5,000).~~

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 36 APPROVED: 02/23/2011