

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 975

"TO REALLOCATE A PORTION OF THE BAIL BOND FEES UNDER ARKANSAS CODE
17-19-101 ET SEQ."

Amendment No. 1 to Senate Bill No. 975.

Amend Senate Bill No. 975 as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 17-19-111 is amended to read as follows:
17-19-111. Fees.

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

(b)(1) In addition to the bail or appearance bond premium or compensation allowed under § 17-19-301, each licensed professional bail bond company shall charge and collect as a nonrefundable fee for the fund an additional ten dollar (\$10.00) fee per bail bond for giving bond for each and every bail and appearance bond issued by the licensed professional bail bond company by or through its individual licensees.

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

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

(4) A paper-processing charge of fifteen dollars (\$15.00) shall be collected on each bail bond in order to defray the surety's costs incurred by the quarterly and annual reporting requirements contained herein and to further defray the surety's costs incurred in the collection of all fees due,



owing, and collected on behalf of the fund and the surety's costs incurred in the preparation of all required reports submitted in conformance with the standards established by the American Institute of Certified Public Accountants.

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

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

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

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

(A) Thirty percent (30%) of all fees and penalties directly into the ~~fund as special revenues~~ State Insurance Department Trust Fund; and

(B) Seventy percent (70%) of all fees and penalties directly into the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

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

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

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

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

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

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

the limit of any security deposit.

(f) Under no circumstances shall the fees or penalties thereon held in or for deposit into the fund as special revenues be subject to any tax, levy, or assessment of any kind, including, but not limited to, any bond forfeiture claims, any garnishment or general creditors' claims, any remedies under title 19 of this Code, or other provisions of Arkansas law.

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

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Critcher

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Secretary