

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H1/29/99 S2/26/99

A Bill

HOUSE BILL 1117

5 By: Representative Vess
6

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
9 REGARDING PROFESSIONAL BAIL BOND COMPANY LICENSES; AND
10 FOR OTHER PURPOSES."

Subtitle

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13 "AN ACT TO AMEND VARIOUS SECTIONS OF THE
14 ARKANSAS CODE REGARDING PROFESSIONAL
15 BAIL BOND COMPANY LICENSES."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 17-19-202 is amended to read as follows:

21 "17-19-202. Applications.

22 (a) Every applicant for a professional bail bondsman license or a
23 professional bail bond company license shall apply on forms furnished by the
24 board.

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

28 (c) An application for a professional bail bond company license shall be
29 accompanied by proof that the applicant is an Arkansas partnership, firm, or
30 corporation, a foreign corporation registered and authorized to conduct
31 business in the State of Arkansas, or an individual who is a resident of the
32 state. A corporation shall file proof that its most recent annual franchise
33 tax has been paid to the Secretary of State.

34 (d)(1) At the time of application for every professional bail bond
35 company license there shall be paid to the board for the company license a fee
36 of one thousand dollars (\$1,000). Each professional bail bond company license

1 or renewal for a sole proprietor, partnership or corporation shall include one
2 license for one agent per company per year.

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

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

12 (4) Any agent that transfers their license from one professional
13 bail bond company to another shall pay a transfer fee of one hundred dollars
14 (\$100) to the Board."

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16 SECTION 2. Arkansas Code 17-19-110 is amended to read as follows:

17 "17-19-110. Licensed bail bond agent.

18 (a) If a licensed bail bond agent has a current license with a current
19 licensed professional bail bond company, the agent may write a bail bond in
20 any county with a current copy of his license.

21 (b) A licensed bail bond agent shall carry a current copy of his
22 company's license, his bail bond agent license, and a current copy of his
23 qualifying power of attorney that is on file with the Arkansas Professional
24 Bail Bond Licensing Board.

25 (c) Only one power of attorney per bond, not exceeding the agent's
26 qualifying power of attorney, shall be permitted, unless a court has separated
27 the charges and amounts of bonds. Powers of attorney shall not be stacked."

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29 SECTION 3. Arkansas Code 17-19-212 is amended to read as follows:

30 "17-19-212. Licenses.

31 Each applicant for an initial bail bondsman license who satisfactorily
32 completes the examination and meets the other qualifications and requirements
33 prescribed by law, including the completion of a minimum of eight (8) ~~clock~~
34 hours of education in subjects pertaining to the authority and
35 responsibilities of a bail bondsman, and a review of the laws and regulations
36 relating thereto, shall be licensed by the board."

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SECTION 4. Arkansas Code 17-19-401 is amended to read as follows:

"17-19-401. Requirements.

(a) Each person licensed as a professional bail bondsman shall annually complete not less than eight (8) ~~clock~~ hours of continuing education in subjects relating to the authority and responsibilities of a bail bondsman as a condition of renewing his or her license.

(b) Such continuing education shall not include written or oral examinations."

SECTION 5. Arkansas Code 16-84-201 is amended to read as follows:

"16-84-201. Action on bond.

(a)(1)(A) If the defendant fails to appear for trial or judgment, or at any other time when his presence in court may be lawfully required, or to surrender himself in execution of the judgment, the court may direct the fact to be entered on the minutes, and shall promptly issue an order requiring the *surety to appear, on a date set by the court not less than ninety (90) days* ~~not~~ *more than one hundred twenty (120) days after the issuance of the order,* to show cause why the sum specified in the bail bond or the money deposited in lieu of bail should not be forfeited.

(B) The one hundred twenty-day period *in which the defendant must be surrendered or apprehended pursuant to subsection (c)* begins to run from the date notice is sent by certified mail to the surety company at the address shown on the bond, whether or not it is received by the surety.

(2) The order shall also require the officer who was responsible for taking of bail to appear, unless:

(A) The surety is a bail bondsman; or

(B) The officer accepted cash in the amount of bail.

(b) The appropriate law enforcement agencies shall make every reasonable effort to apprehend the defendant.

(c)(1) If the defendant is surrendered, arrested, or good cause is shown for his failure to appear before judgment is entered against the surety, the court shall exonerate a reasonable amount of the surety's liability under the bail bond.

(2) However, if the surety causes the apprehension of the defendant, or the defendant is apprehended within one hundred twenty (120)

1 days from the date of receipt of written notification to the surety of the
2 defendant's failure to appear, no judgment or forfeiture of bond may be
3 entered against the surety, except as provided in subsection (e) of this
4 section.

5 (d) If, after one hundred twenty (120) days, the defendant has not
6 surrendered or been arrested, prior to judgment against the surety, the bail
7 bond or money deposited in lieu of bail may be forfeited.

8 (e) If, before judgment is entered against the surety, the defendant is
9 located in another state, and the location is known, the appropriate law
10 enforcement officers shall cause the arrest of the defendant and the surety
11 shall be liable for the cost of returning the defendant to the court in an
12 amount not to exceed the face value of the bail bond.

13 (f) In determining the extent of liability of the surety on a bond
14 forfeiture, the court may take into consideration the expenses incurred by the
15 surety in attempting to locate the defendant and may allow the surety credit
16 for the expenses incurred."
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18 SECTION 6. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.
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22 SECTION 7. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.
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28 SECTION 8. All laws and parts of laws in conflict with this act are
29 hereby repealed.

30 /s/ Vess
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