

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.

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

# A Bill

HOUSE BILL 1869

4  
5 By: Representative Wills  
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## For An Act To Be Entitled

8  
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  
14 AN ACT CONCERNING THE TRANSFER OF BAIL  
15 BONDSMAN LICENSES FROM ONE (1)  
16 PROFESSIONAL BAIL BOND COMPANY TO  
17 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.

36 (2) A corporation shall file proof that its most recent annual



1 franchise tax has been paid to the Secretary of State.

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

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

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

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

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

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

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

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

24 (B) File with the board:

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

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

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

35 (iv) A completed company statement from the company  
36 to which he or she desires to transfer his or her license; and

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

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

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

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

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

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

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

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

35                   (ii) If no complaint contesting the agent's sworn  
36 affidavit is received during the seven-day contest period, the license shall

1 be transferred as requested.

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

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

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

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

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