

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

SENATE BILL 178

By: Senator J. Dismang

For An Act To Be Entitled

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

Subtitle

REGARDING THE ADMINISTRATIVE PENALTY
ISSUED BY THE PROFESSIONAL BAIL BOND
COMPANY AND PROFESSIONAL BAIL BONDSMAN
LICENSING BOARD.

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

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

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

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

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

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

(2) Revoke or refuse to continue any license;

(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).~~