

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H3/19/13 H4/2/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1829

4

5 By: Representative Vines

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7

For An Act To Be Entitled

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AN ACT CONCERNING BAIL BOND FEES; AND FOR OTHER
9 PURPOSES.

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Subtitle

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CONCERNING BAIL BOND FEES.

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

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

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*(a) Notwithstanding any other provisions of this chapter to the
contrary, and notwithstanding any other provisions of Arkansas law to the
contrary, a professional bail bond companies company, county sheriff, keeper
of a jail, or other person authorized to take bond under § 16-84-102 are
hereby required to charge, collect, and remit the following fees ~~for direct
deposit as special revenues into the State Insurance Department Trust Fund
Bail Bondsman Board Fund~~ for the support, personnel, maintenance, and
operations of the ~~State Insurance Department~~ Professional Bail Bond Company
and Professional Bail Bondsman Licensing Board 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.*

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*(b)(1) In addition to the bail or appearance bond premium or
compensation allowed under § 17-19-301, each licensed professional bail bond
company, county sheriff, keeper of a jail, or other person authorized to take
bond under § 16-84-102 shall charge and collect as a nonrefundable fee for*



1 the ~~fund~~ Bail Bondsman Board Fund an additional ten-dollar fee per bail bond
2 for giving bond for each and every bail and appearance bond issued by the
3 licensed professional bail bond company, county sheriff, keeper of a jail, or
4 other person authorized to take bond under § 16-84-102 by or through its
5 individual licensees.

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

9 (3) The notarized quarterly reporting form and a notarized
10 annual reconciliation form as to all fees collected for the ~~fund~~ Bail
11 Bondsman Board Fund shall be filed by each professional bail bond company on
12 forms prescribed by the ~~commissioner~~ board and at the times and in the manner
13 as the ~~commissioner~~ board shall prescribe in conformity with this section.

14 (4) A paper-processing charge of fifteen dollars (\$15.00) shall
15 be collected on each bail bond in order to defray the surety's costs incurred
16 by the quarterly and annual reporting requirements contained herein and to
17 further defray the surety's costs incurred in the collection of all fees due,
18 owing, and collected on behalf of the ~~fund~~ Bail Bondsman Board Fund and the
19 surety's costs incurred in the preparation of all required reports submitted
20 in conformance with the standards established by the American Institute of
21 Certified Public Accountants.

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

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

29 (3) The ~~commissioner~~ board may pursue any appropriate legal
30 remedies on behalf of the ~~fund~~ Bail Bondsman Board Fund to collect any
31 delinquent fees and penalties owed as special revenues.

32 (d)(1) Upon collection of the fees and any monetary penalties, the
33 ~~commissioner~~ board shall deposit or fund as special revenues:

34 (A) Sufficient fees and penalties directly into the ~~State~~
35 ~~Insurance Department Trust Fund~~ Bail Bondsman Board Fund to provide for the
36 personal services and operating expenses of the ~~Professional Bail Bond~~

1 ~~Company and Professional Bail Bondsman Licensing Board under subsection (g)~~
2 ~~of this section~~ board; and

3 (B) The remainder of all fees and penalties directly into
4 the Domestic Peace Fund administered by the Arkansas Child
5 Abuse/Rape/Domestic Violence Commission.

6 (2) The fees and penalties shall be in addition to all other
7 fees, licensure or registration fees, taxes, assessments, levies, or
8 penalties payable to any federal or state office, court, agency, board, or
9 commission or other public official or officer of the state, or its political
10 subdivisions, including counties, cities, or municipalities, by a
11 professional bail bond ~~companies~~ company, county sheriff, keeper of a jail,
12 or other person authorized to take bond under § 16-84-102.

13 (3)(A) Each individual bail bondsman is required to assist in
14 collection of the fees but is exempt from the duty and responsibility of
15 payment of the fees to the ~~fund~~ Bail Bondsman Board Fund unless he or she
16 misappropriates or converts such moneys to his or her own use or to the use
17 of others not entitled to the fees.

18 (B) In that case, the ~~commissioner~~ board shall proceed on
19 behalf of the ~~fund~~ Bail Bondsman Board Fund with any civil or criminal
20 remedies at ~~his or her~~ its disposal against the individual responsible.

21 (C) Upon criminal conviction of the individual responsible
22 for fraudulent conversion of the moneys due the ~~fund~~ Bail Bondsman Board
23 Fund, the individual responsible shall pay restitution to the ~~trust fund~~ Bail
24 Bondsman Board Fund, and the court shall incorporate a finding to that effect
25 in its order.

26 (D) Absent substantial evidence to the contrary, the
27 violations of the individual may be attributed to the employing bail bond
28 company, and any criminal or civil court may, in its discretion and upon
29 substantial evidence, order the employing bail bond company to pay
30 restitution to the ~~fund~~ Bail Bondsman Board Fund on behalf of the responsible
31 individual and shall incorporate that finding into its order.

32 (e) For purposes of any statutory security deposit Arkansas law
33 requires of professional bail bond companies, including, but not limited to,
34 the deposit under § 17-19-205, the payment of the fees required by this
35 section is considered to be a duty of the licensee, so as to allow the
36 ~~commissioner~~ board on behalf of the ~~fund~~ Bail Bondsman Board Fund to make a

1 claim against any such deposit for the fees required by this section and any
2 penalties owed thereon, up to the limit of any security deposit.

3 (f) Under no circumstances shall the fees or penalties thereon held in
4 or for deposit into the ~~fund~~ Bail Bondsman Board Fund as special revenues be
5 subject to any tax, levy, or assessment of any kind, including, but not
6 limited to, any bond forfeiture claims, any garnishment or general creditors'
7 claims, any remedies under Title 16 of this Code, or other provisions of
8 Arkansas law.

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

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

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17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the fiscal year begins on July
19 1, 2013; that this act needs to be implemented starting at the beginning of
20 the fiscal year; and that this act is necessary because administration of
21 certain agencies and bail bond activities will be harmed if this act does not
22 take effect at the start of the fiscal year. Therefore, an emergency is
23 declared to exist, and this act being immediately necessary for the
24 preservation of the public peace, health, and safety shall become effective
25 on July 1, 2013.

26 /s/Vines
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