

1 HB565
2 200364-5
3 By Representative England
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-MAY-19

1
2 ENROLLED, An Act,

3 Relating to bail bonds; to require professional
4 bondsmen and recovery agents to register with the Alabama
5 Professional Bail Bonding Board; to create the board; to
6 provide for the membership and duties of the board; to create
7 the Alabama Bail Bond Board Fund; to provide procedures for
8 licensure applications; to provide for qualifications for
9 licensure; to provide for criminal penalties for making false
10 statements to the board; to provide for the suspension and
11 revocation of licenses; to authorize civil penalties for
12 violations; to require the completion of continuing education;
13 and in connection therewith would have as its purpose or
14 effect the requirement of a new or increased expenditure of
15 local funds within the meaning of Amendment 621 of the
16 Constitution of Alabama of 1901, now appearing as Section
17 111.05 of the Official Recompilation of the Constitution of
18 Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited
21 as the Alabama Bail Bond Regulatory Act.

22 Section 2. For the purposes of this act, the
23 following terms shall have the following meanings:

24 (1) BOARD. Alabama Professional Bail Bonding Board.

1 (2) PROFESSIONAL BONDSMAN. Any individual who is
2 employed by a professional bail company to solicit and execute
3 appearance bonds or actively seek bail bond business for or on
4 behalf of a professional bail company, including any
5 individual who has a direct or indirect ownership interest in
6 a professional bail company.

7 (3) PROFESSIONAL SURETY BONDSMAN. Any individual who
8 is employed by a professional surety company to solicit and
9 execute appearance bonds or actively seek bail bond business
10 for or on behalf of a professional surety company, including
11 any individual who has a direct or indirect ownership interest
12 in a professional surety company.

13 (4) RECOVERY AGENT. Any individual, other than an
14 attorney or law enforcement officer, utilized by a
15 professional surety company, professional bail company, or
16 professional bondsman to apprehend a defendant who was
17 released on bail and who failed to appear in court when
18 required.

19 Section 3. A individual may not hold himself or
20 herself out to the public as a professional bondsman, or
21 operate as a recovery agent, or use any term, title, or
22 abbreviation that expresses, infers, or implies that the
23 individual is licensed as a professional bondsman unless the
24 individual at the time holds a valid license as a professional
25 bondsman as provided in this act. All applicants shall pass an

1 examination, unless exempted by this act, based on criteria
2 established by the Alabama Professional Bail Bonding Board and
3 established under Section 4 and shall comply with the
4 continuing education requirements established by this act.

5 Section 4. (a) There is created the Alabama
6 Professional Bail Bonding Board to administer and enforce this
7 act. The board shall consist of all of the following members:

8 (1) Seven professional bondsmen, one from each of
9 the seven congressional districts of the state, nominated by
10 the Alabama Bail Bond Association and appointed by the
11 Governor from a list of not more than four nominees for each
12 position on the board. For the initial terms of office, the
13 President of the Alabama Bail Bond Association shall be the
14 professional bondsman member of the board who represents the
15 congressional district in which he or she resides. The
16 nominating and appointing authorities shall coordinate their
17 nominations and appointments to ensure that one of the
18 professional bondsman members is the owner of a professional
19 bail bond company with at least 10 years of experience. Except
20 as otherwise provided, no two professional bondsman members
21 shall reside in the same congressional district. If no
22 professional bondsman is available for nomination by the
23 Alabama Bail Bond Association for a congressional district,
24 the Alabama Bail Bond Association shall provide a list of four
25 professional bondsman nominees from the state at large to the

1 Governor for that congressional district, and the Governor
2 shall appoint one of those nominees to fill that position on
3 the board.

4 (2) One serving district or municipal court judge,
5 nominated by the Alabama Bail Bond Association and appointed
6 by the Governor from a list of four nominees.

7 (3) One serving circuit or municipal court clerk,
8 nominated by the Alabama Bail Bond Association and appointed
9 by the Governor from a list of four nominees.

10 (b) The appointments to the board shall be for terms
11 of four years. The nominating and appointing authorities shall
12 coordinate their nominations and appointments so that
13 diversity of gender, race, and geographical areas is
14 reflective of the makeup of this state. Vacancies shall be
15 filled by appointment of the Governor for the unexpired
16 portion of the term.

17 (c) The board, pursuant to the Alabama
18 Administrative Procedure Act, Chapter 22 of Title 41, Code of
19 Alabama 1975, shall adopt and enforce reasonable rules as the
20 board determines necessary to effectively and efficiently
21 carry out its official duty of licensing and regulating
22 professional bail bond companies and professional bondsmen.

23 (d) Each member of the board shall receive travel
24 and per diem compensation for expenses incurred in the conduct
25 of official duties while attending meetings and transacting

1 the business of the board, in accordance with applicable state
2 travel and per diem paid to state employees. The compensation
3 of members shall be paid from funds available to the board in
4 the same manner as other expenses are paid.

5 Section 5. (a) ~~The~~ Pursuant to Section 36-1-12, Code
6 of Alabama 1975, the members and employees of the board are
7 granted immunity from civil liability and may not be liable
8 for damages when acting in the performance of their duties
9 under this act.

10 (b) Board members and employees shall be defended by
11 the Attorney General in regard to any criminal or civil
12 litigation filed against them based on the performance of
13 their official duties under this act.

14 Section 6. At the initial meeting of the board and
15 each time a new member is appointed to the board, the members
16 of the board shall select from among their members a president
17 to preside over meetings of the board and a vice president to
18 preside in the absence of the chair and a secretary.

19 Section 7. (a) There is created in the State
20 Treasury for the use of the Alabama Professional Bail Bonding
21 Board a fund to be known as the Alabama Bail Bond Board Fund.

22 (b) All application and license fees, penalties,
23 fines, and any other fees or funds collected by the board
24 under this act are to be deposited in this fund and used only
25 to carry out the operations of the board.

1 (c) For the purpose of carrying out the objectives
2 of this act and for the exercise of the powers granted in this
3 act, the Alabama Professional Bail Bonding Board may direct
4 the disbursement of the funds from the Alabama Bail Bond Board
5 Fund necessary to cover reasonable and necessary operating
6 costs and board member compensation and expenses as provided
7 by this act, which shall be paid on warrant of the Comptroller
8 upon certificate or voucher of the secretary of the board,
9 approved by the president or vice president of the board.
10 Funds may not be withdrawn or expended except as budgeted and
11 allotted according to the provisions of Article 4 of Chapter 4
12 of Title 41, Code of Alabama 1975.

13 Section 8. (a) The Alabama Professional Bail Bonding
14 Board may adopt rules necessary to implement this act and
15 accomplish its objectives subject to the Alabama
16 Administrative Procedure Act.

17 (b) The board may adopt and establish canons of
18 ethics and minimum acceptable professional standards of
19 practice for licensees within any rules that it adopts.

20 (c) The board may hire personnel necessary or as
21 advisable to carry out the purposes of this act.

22 (d) The Attorney General shall provide legal
23 services to the board and its employees in connection with
24 official duties and actions of the board.

1 Section 9. (a) The board shall establish regular and
2 special meetings for the purpose of transacting its business
3 as provided by rules adopted by the board. Notice of board
4 meetings shall comply with the Alabama Open Meetings Act.

5 (b) A majority of the board shall constitute a
6 quorum at any meeting of the board.

7 Section 10. (a) Except as otherwise provided in this
8 act, it shall be unlawful for any individual to act as a
9 professional bondsman or recovery agent without first
10 obtaining a license from the board, but a professional surety
11 bondsman shall obtain a license from the Department of
12 Insurance and shall comply with all licensing requirements
13 issued by the Department of Insurance.

14 (b) A violation of subsection (a) is a Class A
15 misdemeanor.

16 (c) Each individual licensed in accordance with this
17 act shall designate to the board a physical address where his
18 or her records are to be kept.

19 Section 11. An application and all information on an
20 application for licensure as a professional bondsman shall be
21 treated as confidential and shall be filed with the board on
22 forms prescribed by the board. The application shall include
23 all of the following information of the applicant:

24 (1) His or her full name.

25 (2) His or her date of birth.

1 (3) All residences during the immediate past five
2 years.

3 (4) All employment or occupations engaged in during
4 the immediate past five years.

5 (5) A list of convictions and pending charges
6 involving a felony or misdemeanor in any jurisdiction.

7 Section 12. Each individual applicant shall meet all
8 of the following criteria, demonstrating that he or she:

9 (1) Is at least 21 years of age.

10 (2) Has not been declared by any court of competent
11 jurisdiction incompetent by reason of mental defect or disease
12 unless a court of competent jurisdiction has subsequently
13 declared the applicant competent.

14 (3) Has not been convicted of a crime of moral
15 turpitude, with the board having the final determination on
16 the interpretation of moral turpitude.

17 (4) Has not been convicted of a felony.

18 Section 13. (a) (1) If an application for a license
19 is denied, the board shall notify the applicant in writing and
20 specify the grounds for denial. If the grounds are subject to
21 correction by the applicant, the notice shall so state and
22 specify a reasonable period of time within which the applicant
23 shall make the required correction.

1 (2) The applicant may submit an application for
2 reconsideration to the board within 30 days from the date of
3 receipt of denial.

4 (b) The board shall issue a license to all licensees
5 that shall be at least 8" x 10" in size and shall be displayed
6 on a wall of the workplace of the licensee. This license shall
7 be deemed property of the state and subject to forfeiture to
8 the state upon revocation.

9 (c) All licenses issued or renewed under this act
10 shall be valid for a period from the date of issuance until
11 October 31.

12 Section 14. (a) The board shall issue to every
13 bondsman licensee an identification card, which shall be
14 issued in credit card size, be permanently laminated, and
15 contain the following information of the licensee:

16 (1) Name.

17 (2) Photograph.

18 (3) Bondsman's license number.

19 (4) Expiration date of license.

20 (b) The identification card shall be carried on the
21 individual of the licensee when engaged in the activities of
22 the licensee.

23 Section 15. Making a false statement to the board
24 shall be punishable by a civil penalty not to exceed one

1 thousand dollars (\$1,000) and assessment of the maximum
2 application fee.

3 Section 16. (a) The board may suspend, revoke, or
4 refuse to issue or renew any license issued by it upon finding
5 that the holder or applicant has committed any of the
6 following acts:

7 (1) A violation of this act or any rule promulgated
8 pursuant to this act.

9 (2) Fraud, deceit, or misrepresentation regarding an
10 application or license.

11 (3) Knowingly and willfully making a material
12 misstatement in connection with an application for a license
13 or renewal.

14 (4) A conviction by a court of competent
15 jurisdiction of a felony.

16 (5) A conviction by a court of competent
17 jurisdiction of a Class A misdemeanor, if the board finds that
18 the conviction reflects unfavorably on the fitness of the
19 individual for the license.

20 (6) The commission of any act which would have been
21 cause for refusal to issue the license or identification card
22 had it existed and been known to the board at the time of
23 issuance.

1 (b) A license may be suspended for the remaining
2 license period and renewed during any period in which the
3 license was suspended.

4 Section 17. ~~A licensee may not be required to obtain~~
5 ~~any authorization of license, or pay any other license fee or~~
6 ~~tax, in any municipality, county, or other political~~
7 ~~subdivision of this state to engage in any activity regulated~~
8 ~~under this act.~~

9 Section 18. The Administrative Procedure Act shall
10 govern all matters and procedures respecting the hearing and
11 judicial overview of any contested case.

12 Section 19. (a) A professional bondsman or recovery
13 agent commencing business in any judicial circuit in this
14 state on and after ~~January~~ June 1, 2020, shall attend a
15 12-hour instructional course conducted by an educational
16 provider approved by the board and pass an examination
17 approved by the board and administered by an educational
18 provider approved by the board. Upon completion of the course
19 and passage of the examination, the individual shall be
20 awarded an initial examination certificate by the board,
21 copies of which may be submitted to the presiding circuit
22 judge, or other judicial authority, along with the other
23 requirements set forth in Section 15-13-159 or Section
24 15-13-160, Code of Alabama 1975. Those professional bondsmen
25 and recovery agents doing business immediately prior to

1 ~~January~~ June 1, 2020, are exempt from the initial 12-hour
2 course and examination.

3 (b) Unless exempted pursuant to subsection (i), a
4 professional bondsman or recovery agent making an annual
5 filing in any circuit in this state pursuant to Section
6 15-13-159 or Section 15-13-160, Code of Alabama 1975, on and
7 after six months after the effective date of this act shall
8 first complete eight hours of continuing education conducted
9 by an educational provider approved by the board. A
10 professional bail company owner, who is 55 years of age and
11 has 10 years of experience in the profession, shall only be
12 required to complete four hours of continuing education. The
13 educational provider approved by the board shall provide the
14 board with the name of all professional bondsmen or recovery
15 agents completing eight hours of continuing education. Upon
16 completion of the eight hours of continuing education, the
17 individual shall request issuance of an annual continuing
18 education certificate from the board, copies of which may be
19 submitted to the presiding circuit judge along with the other
20 requirements set forth in Section 15-13-159 or Section
21 15-13-160, Code of Alabama 1975.

22 (c) The 12-hour instructional course, examination,
23 or continuing education courses shall be taught or sponsored
24 by an educational provider approved by the board, which must

1 apply annually for authority to offer such examination or
2 courses.

3 (d) A list of approved course providers shall be
4 published on the website of the board.

5 (e) The cost of the 12-hour course shall be set by
6 the approved course provider but shall not exceed ~~four hundred~~
7 ~~dollars (\$400)~~ five hundred dollars (\$500) per course. Upon
8 completion of the 12-hour course, the approved course provider
9 shall issue a 12-hour course completion certificate in a form
10 approved by the board. This completion certificate must be
11 presented to the board in order to take the introductory
12 examination. A 12-hour course completion certificate shall be
13 valid for a period of 12 months.

14 (f) The cost of continuing education courses shall
15 be set by the approved course provider but shall not exceed
16 seventy-five dollars (\$75) per hour. Any fee required to be
17 paid by a course provider for reporting continuing education
18 course completion to the board may be added to the maximum
19 charges provided in this subsection.

20 (g) Each professional bondsman and recovery agent
21 must renew his or her certification with the board by
22 completing the eight hours of approved continuing education
23 prior to November 1 each year. Late renewal within the next 12
24 months may be had by completing the eight hours of continuing
25 education and paying a renewal license fee of twice the amount

1 otherwise required. If a professional bondsman or recovery
2 agent fails to renew a certification for a 12-month period,
3 the professional bondsman or recovery agent will be required
4 to take the initial 12-hour course and examination to again
5 become certified.

6 (h) The board shall set the fees to be paid to the
7 board in the administration of this section, not to exceed the
8 amounts set forth below:

9 (1) Examination fee, a nonrefundable fee to be paid
10 to take the examination and for the issuance of the initial
11 examination certificate, per examination attempt: One hundred
12 twenty-five dollars (\$125).

13 (2) Annual continuing education renewal certificate
14 fee, to be paid to receive the annual continuing education
15 certificate: Fifty dollars (\$50).

16 (i) Any professional bondsman who, on the effective
17 date of this act, is ~~65 years of age and has 15~~ 60 years of
18 age and has 10 years of experience in the profession, shall be
19 exempt from the continuing education requirements of this act.

20 (j) The board shall adopt rules necessary to carry
21 out this section.

22 Section 20. No criminal or civil action taken under
23 this act precludes a prosecution or action under any other law
24 of this state.

1 Section 21. The board shall be subject to the
2 Alabama Sunset Law, Chapter 20 of Title 41, Code of Alabama
3 1975, as an enumerated agency as provided in Section 41-20-3,
4 Code of Alabama 1975, and shall have a termination date of
5 October 1, 2023, and every four years thereafter, unless
6 continued pursuant to the Alabama Sunset Law.

7 Section 22. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 23. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 15-MAY-19, as amended.

Jeff Woodard
Clerk

Senate	23-MAY-19	Amended and Passed
House	28-MAY-19	Concurred in Senate Amendment