

1 SB155  
2 156122-1  
3 By Senator Waggoner  
4 RFD: Banking and Insurance  
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill would require professional  
9 bondsmen and recovery agents to attend a 12-hour  
10 instructional course and pass an examination  
11 developed and administered by the Alabama  
12 Department of Insurance within 90 days of  
13 commencing business activities.

14 This bill would also require professional  
15 bondsmen and recovery agents to complete eight  
16 hours of continuing education each year.

17 This bill would provide for annual  
18 certification of professional bondsmen and recovery  
19 agents by the Alabama Department of Insurance, with  
20 the continuing education conducted by the Alabama  
21 Bail Agents Association or by a provider approved  
22 by the Alabama Department of Insurance and the  
23 Alabama Bail Agents Association.

24 This bill would provide for costs associated  
25 with the certification and continuing education  
26 programs.

1                   This bill would also provide for the  
2                   suspension of the right to act as a professional  
3                   bondsman or recovery agent until the certification  
4                   and continuing education requirements are  
5                   satisfied.

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7                   A BILL  
8                   TO BE ENTITLED  
9                   AN ACT

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11                   Relating to professional bondsmen and recovery  
12                   agents; to require professional bondsmen and recovery agents  
13                   to complete an initial instructional course and pass an  
14                   examination prior to serving as a professional bondsman or a  
15                   recovery agent; to require continuing education; to provide  
16                   for the suspension of the right to act as a professional  
17                   bondsman or recovery agent upon failure to complete the  
18                   requirements; and to provide for fees.

19                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20                   Section 1. (a) For the purposes of this section, the  
21                   following terms shall have the following meanings:

22                   (1) PROFESSIONAL BONDSMAN. An individual or agent  
23                   who is employed by a professional surety company or  
24                   professional bail company to solicit and execute appearance  
25                   bonds or actively seek bail bond business for or on behalf of  
26                   a professional surety company or a professional bail company.  
27                   The term includes an individual who has a direct or indirect

1 ownership interest in a professional surety company or  
2 professional bail company.

3 (2) RECOVERY AGENT. An individual, other than an  
4 attorney or law enforcement officer, utilized by a surety  
5 company or bail bond agent to apprehend a defendant who was  
6 released on bail and who failed to appear in court when  
7 required.

8 (b)(1) An individual may not act as a professional  
9 bondsman or recovery agent for more than 90 days without  
10 obtaining certification from the Alabama Department of  
11 Insurance as required by this subsection. The individual shall  
12 attend a 12-hour instructional course conducted by the Alabama  
13 Bail Agents Association or by a provider approved by the  
14 Alabama Department of Insurance and the Alabama Bail Agents  
15 Association. Upon completion of the 12-hour instructional  
16 course, the individual shall pass an examination developed and  
17 administered by the Alabama Department of Insurance. Upon  
18 completion of the course and passage of the examination, the  
19 individual shall be awarded a certificate of completion by the  
20 Alabama Department of Insurance. Professional bondsmen and  
21 recovery agents doing business as of the effective date of  
22 this act are not required to take the initial 12-hour course  
23 and pass the examination, but are subject to the continuing  
24 education requirements specified in subdivisions (2) and (3)  
25 and the sanctions contained in subdivision (4).

26 (2) Each year after initial certification, a  
27 professional bondsman or recovery agent shall complete eight

1 hours of continuing education conducted by the Alabama Bail  
2 Agents Association or by a provider approved by the Alabama  
3 Department of Insurance and the Alabama Bail Agents  
4 Association. A list of approved providers by the Alabama  
5 Department of Insurance and the Alabama Bail Agents  
6 Association shall be published on the websites maintained by  
7 the Alabama Department of Insurance and the Alabama Bail  
8 Agents Association. The Alabama Department of Insurance shall  
9 provide a certificate of completion to the professional  
10 bondsman or recovery agent satisfying this continuing  
11 education requirement.

12 (3) On or before December 1 of each year, a  
13 professional bondsman or recovery agent shall submit a  
14 certificate of completion from the Alabama Department of  
15 Insurance for the eight-hour continuing education course to  
16 the court clerk, magistrate judge, judicial officer, sheriff,  
17 chief of police, individual, department, or any designee  
18 thereof, who is responsible for issuing bail bonds for each  
19 jurisdiction in which the professional bail bondsman or  
20 recovery agent is doing business.

21 (4) A professional bondsman or recovery agent who  
22 does not comply with subdivisions (1), (2), and (3) shall be  
23 suspended from acting as a professional bondsman or recovery  
24 agent during the term of noncompliance and until satisfactory  
25 proof of compliance with the requirements of those  
26 subdivisions is provided to the judge or other person  
27 responsible for issuing bail bonds for each jurisdiction in

1 which the professional bondsman or recovery agent is doing  
2 business.

3 (c) (1) The cost of the 12-hour instructional course  
4 shall not exceed five hundred dollars (\$500) and the cost of  
5 the annual eight-hour continuing education course, including  
6 any certification renewal fee collected by the Department of  
7 Insurance, shall not exceed five hundred dollars (\$500).

8 (2) The Alabama Department of Insurance may levy a  
9 fee to applicants not to exceed one hundred twenty-five  
10 dollars (\$125) to cover the application, testing, and initial  
11 certificate.

12 (3) The Alabama Bail Agents Association may not be  
13 involved in the certification process or the issuing of the  
14 certifications.

15 (d) If a professional bondsman or recovery agent  
16 fails to renew a certification for a 12-month period, the  
17 bondsman or recovery agent shall be required to take the  
18 initial 12-hour course and test to receive a certification  
19 renewal. The ability to write bonds or act as a recovery agent  
20 for these bondsmen and agents shall be suspended until the  
21 certification process is complete.

22 Section 2. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.