

1 SB249
2 156650-1
3 By Senators Holley, Smith, Glover, Beasley, Allen, Hightower,
4 Reed, Keahey, Irons, Dial and Fielding
5 RFD: Governmental Affairs
6 First Read: 21-JAN-14

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8 SYNOPSIS: This bill would require professional
9 bondsmen to attend a 12-hour instructional course
10 and pass an examination developed and administered
11 by a statewide association representing persons in
12 the bail bond business prior to soliciting and
13 executing appearance bonds or actively seeking bail
14 bond business, and would also require professional
15 bondsmen to complete eight hours of continuing
16 education each year.

17 This bill would provide for the
18 certification of organizations by the Commissioner
19 of Insurance to conduct education programs for
20 professional bondsmen and would provide for the
21 assessment of dues for costs associated with the
22 education programs.

23 This bill would set maximum fees for the
24 initial instructional course, examination, and
25 continuing education courses.

26 This bill would also provide for the
27 suspension of the right to act as a professional

1 bondsman until the certification and continuing
2 education requirements are satisfied.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to professional bondsmen, to require
9 professional bondsmen to complete an initial instructional
10 course and pass an examination prior to serving as a
11 professional bondsman; to require certification of
12 organizations and associations conducting education programs
13 for professional bondsmen; to require continuing education;
14 and to provide for the suspension of the right to act as a
15 professional bondsman upon failure to complete the
16 requirements.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) For the purposes of this section, a
19 "professional bondsman" means any individual person or agent
20 who is employed by a professional surety company or
21 professional bail company to solicit and execute appearance
22 bonds or actively seek bail bond business for or in behalf of
23 a professional surety company or a professional bail company.

24 (b) (1) A professional bondsman shall attend a
25 12-hour instructional course and pass an introductory test
26 developed and administered by an statewide association
27 representing persons in the bail bond business prior to

1 serving as a professional bondsman. Upon completion of the
2 course and passage of the test, the person shall be awarded a
3 certificate of completion by the association.

4 (2) Each year after initial certification, a
5 professional bondsman shall complete eight hours of continuing
6 education developed and administered by the association. The
7 association shall provide a certificate of completion to
8 professional bondsmen satisfying this requirement.

9 (3) On or before January 31 of each year, a
10 professional bondsman shall submit the certificate of
11 completion of the eight-hour continuing education course to
12 the court clerk, magistrate judge, judicial officer, sheriff,
13 chief of police, individual, department, or any designee
14 thereof, who is responsible for issuing bail bonds for each
15 jurisdiction in which the professional bail bondsman is doing
16 business.

17 (4) A professional bondsman who does not comply with
18 subdivisions (1), (2), and (3) shall be suspended from acting
19 as a professional bondsman during the term of noncompliance
20 and until satisfactory proof is provided to the judge or other
21 person responsible for issuing bail bonds for each
22 jurisdiction in which the professional bondsman is doing
23 business.

24 (c) (1) Any organization or association of
25 professional bondsmen organized for the good of the industry
26 as a whole and meeting the requirements of this subsection may
27 apply to the Commissioner of Insurance for certification and

1 approval to conduct an instructional course or continuing
2 education program for professional bondsmen.

3 (2) If the Commissioner of Insurance is satisfied
4 that the applicant is fairly and substantially representative
5 of the professional bondsmen industry, geographically and on a
6 statewide basis, and determines that the applicant has
7 complied with all requirements of this act, the commissioner
8 may certify the association or organization as an authorized
9 organization to conduct instructional courses or continuing
10 education programs as provided in this act.

11 (3) In order to be certified, the Commissioner of
12 Insurance may require the association or organization to levy
13 upon its members an assessment or dues for the financing of
14 instructional courses and continuing education programs
15 relating to various aspects of the professional bondsmen
16 industry conforming to professional and ethical standards of
17 the industry.

18 (4) An organization or association certified under
19 this subsection shall cooperate with the Commissioner of
20 Insurance and other related groups or state agencies to
21 stimulate and enhance the interests of the professional
22 bondsmen industry.

23 (5) An organization or association certified under
24 this subsection shall bear the costs and expenses necessary
25 for conducting an instructional course or continuing education
26 program. The Commissioner of Insurance may require that up to
27 15 percent of the assessment levied upon professional bondsmen

1 for the financing of the continuing education program be
2 remitted to the commissioner to assist in defraying the
3 expenses associated with the administration of this act. All
4 amounts remitted to the commissioner shall be paid into the
5 State Treasury to the credit of the Department of Insurance.

6 (6) The Commissioner of Insurance may adopt rules
7 for the implementation and administration of this act.

8 (7) The Department of Examiners of Public Accounts
9 shall audit, review, and investigate the receipts and
10 disbursements of the funds of the certified organizations or
11 associations under this subsection in the same manner as those
12 duties are performed for the examination and audit of other
13 state agencies and entities.

14 (d) The cost of the 12-hour course and test shall
15 not exceed five hundred dollars (\$500) and the cost of the
16 annual eight-hour continuing education course shall not exceed
17 five hundred dollars (\$500).

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