

1 SB204  
2 209796-4  
3 By Senators Williams and Sessions  
4 RFD: Banking and Insurance  
5 First Read: 09-FEB-21

1 SB204

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4 ENROLLED, An Act,

5 Relating to the Alabama Bail Bond Regulatory Act; to  
6 amend Sections 15-13-201, 15-13-202, 15-13-203, 15-13-206,  
7 15-13-207, 15-13-209, 15-13-210, 15-13-211, 15-13-214, and  
8 15-13-217, as added to the Code of Alabama 1975 by Act  
9 2019-409, 2019 Regular Session, to provide further for  
10 definitions; to provide further for the qualifications of  
11 members appointed to the board; to authorize the board to  
12 issue apprentice licenses to certain qualified applicants; to  
13 authorize the board to employ legal counsel; to further  
14 prohibit unlicensed practice and provide criminal penalties  
15 for violations; to require an applicant to successfully  
16 complete certain education before licensure; to limit the  
17 maximum amount of fees the board, by rule, may establish and  
18 charge; and to clarify that application and renewal fees apply  
19 to professional bail bondsmen, professional bail companies,  
20 professional surety bondsmen, professional surety companies,  
21 and recovery agents; to provide further for qualifications of  
22 a professional bail company owner; and in connection therewith  
23 would have as its purpose or effect the requirement of a new  
24 or increased expenditure of local funds within the meaning of  
25 Amendment 621, of the Constitution of Alabama of 1901, as

1 amended by Amendment 890, now appearing as Section 111.05 of  
2 the Official ReCompilation of the Constitution of Alabama of  
3 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 15-13-201, 15-13-202, 15-13-203,  
6 15-13-206, 15-13-207, 15-13-209, 15-13-210, 15-13-211,  
7 15-13-214, and 15-13-217, as added to the Code of Alabama 1975  
8 by Act 2019-409, 2019 Regular Session, are amended to read as  
9 follows:

10 "§15-13-201.

11 "For the purposes of this article, the following  
12 terms shall have the following meanings:

13 "(1) BOARD. Alabama Professional Bail Bonding Board.

14 "(2) PROFESSIONAL BAIL COMPANY. A person, individual  
15 proprietor, partnership corporation, or other entity, other  
16 than a professional surety company, that furnishes bail or  
17 becomes surety for a person on an appearance bond and does so  
18 for a valuable consideration.

19 "~~(2)~~ (3) PROFESSIONAL BONDSMAN. Any individual, or  
20 agent, who is employed by a professional bail company or  
21 professional surety company to solicit and execute appearance  
22 bonds or actively seek bail bond business for or on behalf of  
23 a professional bail company, including any individual who has  
24 a direct or indirect ownership interest in a professional bail  
25 company.

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

7           "(5) PROFESSIONAL SURETY COMPANY. An insurance  
8 company, domestic or foreign corporation, or association  
9 engaged in the business of insurance, or a surety with a bail  
10 line of insurance to which has been issued a certificate of  
11 authority or certificate of compliance by the state Department  
12 of Insurance to execute appearance bonds or bail bonds in  
13 criminal cases in the state.

14           "~~(4)~~(6) RECOVERY AGENT. Any individual, other than  
15 an attorney or law enforcement officer, utilized by a  
16 professional surety company, professional bail company, or  
17 professional bondsman to apprehend a defendant who was  
18 released on bail and who ~~failed to appear in court when~~  
19 ~~required~~ violated the terms of his or her bail.

20           "§15-13-202.

21           "An individual may not hold himself or herself out  
22 to the public as a professional bondsman or a professional  
23 surety bondsman, operate as a recovery agent, or use any term,  
24 title, or abbreviation that expresses, infers, or implies that  
25 the individual is licensed as a professional bondsman unless

1 the individual at the time holds a valid license as a  
2 professional bondsman as provided in this article. All  
3 applicants shall pass an examination, unless exempted by this  
4 article, based on criteria established by the Alabama  
5 Professional Bail Bonding Board and established under Section  
6 15-13-203 and shall comply with the continuing education  
7 requirements established by this article. The board may issue  
8 an apprentice license, which expires 120 days after issuance,  
9 to any applicant who satisfies all criteria for licensure  
10 except passing the examination. The board may require an  
11 applicant for licensure as an apprentice to sign an affidavit,  
12 on a form provided by the board, attesting that the applicant  
13 has no felony convictions. The board, by rule, may also  
14 provide an age exception to allow any applicant who is 19 or  
15 20 years of age to work as an apprentice until his or her 21st  
16 birthday. The board may charge a fee, not exceeding fifty  
17 dollars (\$50), for an apprentice license.

18 "§15-13-203.

19 "(a) The Alabama Professional Bail Bonding Board is  
20 created to administer and enforce this article. The board  
21 shall consist of all of the following members:

22 "(1) Seven professional bondsmen, one from each of  
23 the seven congressional districts of the state, nominated by  
24 the Alabama Bail Bond Association and appointed by the  
25 Governor from a list of not more than four nominees for each

1 position on the board. For the initial terms of office, the  
2 President of the Alabama Bail Bond Association shall be the  
3 professional bondsman member of the board who represents the  
4 congressional district in which he or she resides. ~~The~~  
5 ~~nominating and appointing authorities shall coordinate their~~  
6 ~~nominations and appointments to ensure that one of the~~ Each  
7 professional bondsman ~~members is~~ member appointed to the board  
8 shall be the owner of a professional bail bond company with at  
9 least ~~10~~ five years of experience. Except as otherwise  
10 provided, no two professional bondsman members shall reside in  
11 the same congressional district. If no professional bondsman  
12 is available for nomination by the Alabama Bail Bond  
13 Association for a congressional district, the Alabama Bail  
14 Bond Association shall provide a list of four professional  
15 bondsman nominees from the state at large to the Governor for  
16 that congressional district, and the Governor shall appoint  
17 one of those nominees to fill that position on the board.

18 "(2) One serving circuit, district, or municipal  
19 court judge, nominated by the Alabama Bail Bond Association  
20 and appointed by the Governor from a list of four nominees.

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

24 "(b) The appointments to the board shall be for  
25 terms of four years. The nominating and appointing authorities

1 shall coordinate their nominations and appointments so that  
2 diversity of gender, race, and geographical areas is  
3 reflective of the makeup of this state. Vacancies shall be  
4 filled by appointment of the Governor for the unexpired  
5 portion of the term.

6 "(c) The board, pursuant to the Alabama  
7 Administrative Procedure Act, Chapter 22 of Title 41, shall  
8 adopt and enforce reasonable rules as the board determines  
9 necessary to effectively and efficiently carry out its  
10 official duty of licensing and regulating professional bail  
11 bond companies and professional bondsmen.

12 "(d) Each member of the board shall receive travel  
13 and per diem compensation for expenses incurred in the conduct  
14 of official duties while attending meetings and transacting  
15 the business of the board, in accordance with applicable state  
16 travel and per diem paid to state employees. The compensation  
17 of members shall be paid from funds available to the board in  
18 the same manner as other expenses are paid.

19 "§15-13-206.

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

23 "(b) All application, apprentice, and license fees,  
24 penalties, fines, late fees, and any other fees or funds  
25 collected by the board under this article are to be deposited

1 in this fund and used only to carry out the operations of the  
2 board.

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

15 "§15-13-207.

16 "(a) The Alabama Professional Bail Bonding Board may  
17 adopt rules necessary to implement this article and accomplish  
18 its objectives subject to the Alabama Administrative Procedure  
19 Act.

20 "(b) The board may adopt and establish canons of  
21 ethics and minimum acceptable professional standards of  
22 practice for licensees within any rules that it adopts.

23 "(c) The board may hire personnel necessary or as  
24 advisable to carry out the purposes of this article.



1           "(d) The Attorney General shall provide legal  
2 services to the board and its employees in connection with  
3 official duties and actions of the board or the board may  
4 employ legal counsel, when deemed necessary by the board,  
5 whose compensation shall be fixed by the board and paid in the  
6 same manner as the per diem and expenses of the board members  
7 are paid.

8           "§15-13-209.

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

16           "~~(b) A violation of subsection (a) is a Class A~~  
17 ~~misdemeanor~~ Any individual who willfully violates subsection  
18 (a) or any other provision of this article, or a rule adopted  
19 or order issued by the board pursuant to this article, upon  
20 conviction, shall be guilty of a Class D felony.

21           "(c) Each individual licensed in accordance with  
22 this article shall designate to the board a physical address  
23 where his or her records are to be kept.

24           "§15-13-210.

1           "(a) An application and all information on an  
2 application for licensure ~~as a professional bondsman~~ pursuant  
3 to this article shall be treated as confidential and shall be  
4 filed with the board on forms prescribed by the board. The  
5 application shall include all of the following information of  
6 the applicant:

7           "(1) His or her full name.

8           "(2) His or her date of birth.

9           "(3) All residences during the immediate past five  
10 years.

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

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

15           "(b) On or before September 1 each year, the board  
16 shall send an email reminder to each licensee stating that the  
17 last day for submitting an application for a license renewal  
18 is September 30 of that year.

19           "§15-13-211.

20           "Each individual applicant shall meet all of the  
21 following criteria, demonstrating that he or she:

22           "(1) Is at least 21 years of age.

23           "(2) Has not been declared by any court of competent  
24 jurisdiction incompetent by reason of mental defect or disease

1 unless a court of competent jurisdiction has subsequently  
2 declared the applicant competent.

3 "(3) Has not been convicted of a crime of moral  
4 turpitude, with the board having the final determination on  
5 the interpretation of moral turpitude.

6 "(4) Has not been convicted of a felony.

7 "(5) Has successfully completed pre-licensure  
8 education administered by an educational provider approved by  
9 the board.

10 "§15-13-214.

11 "Making a false statement to the board shall be  
12 punishable by a civil penalty not to exceed one thousand  
13 dollars (\$1,000) and assessment of the maximum application fee  
14 as provided in Section 15-13-217.

15 "§15-13-217.

16 "(a) A professional bondsman, professional surety  
17 bondsman, or recovery agent commencing business in any  
18 judicial circuit in this state on and after June 1, 2020,  
19 shall attend a ~~12-hour~~ 16-hour instructional course conducted  
20 by an educational provider approved by the board and pass an  
21 examination approved by the board and administered by an  
22 educational provider approved by the board. Upon completion of  
23 the course and passage of the examination, the individual  
24 shall be awarded an ~~initial~~ pre-licensure examination  
25 certificate by the board, copies of which may be submitted to

1 the presiding circuit judge, or other judicial authority,  
2 along with the other requirements set forth in Section  
3 15-13-159 or Section 15-13-160. Those professional bondsmen,  
4 professional surety bondsmen, and recovery agents doing  
5 business immediately prior to June 1, 2020, are exempt from  
6 the initial ~~12-hour~~ instructional course and examination.

7 "(b) Unless exempted pursuant to subsection (i), a  
8 professional bondsman, professional surety bondsman, or  
9 recovery agent making an annual filing in any circuit in this  
10 state pursuant to Section 15-13-159 or Section 15-13-160 on  
11 and after March 1, 2020, shall first complete eight hours of  
12 continuing education conducted by an educational provider  
13 approved by the board. A professional bail company owner, who  
14 is 55 years of age and has ~~10~~ five years of experience in the  
15 profession, shall only be required to complete four hours of  
16 continuing education. The educational provider approved by the  
17 board shall provide the board with the name of all  
18 professional bondsmen, professional surety bondsmen, or  
19 recovery agents completing eight hours of continuing  
20 education. Upon completion of the eight hours of continuing  
21 education, the individual shall request issuance of an annual  
22 continuing education certificate from the board, copies of  
23 which may be submitted to the presiding circuit judge along  
24 with the other requirements set forth in Section 15-13-159 or  
25 Section 15-13-160.

1           "(c) The ~~12-hour~~ instructional course, examination,  
2 or continuing education courses shall be taught or sponsored  
3 by an educational provider approved by the board, which must  
4 apply annually for authority to offer such examination or  
5 courses.

6           "(d) A list of approved course providers shall be  
7 published on the website of the board.

8           "(e) The cost of the ~~12-hour~~ instructional course  
9 shall be set by the approved course provider but shall not  
10 exceed five hundred dollars (\$500) per course. Upon completion  
11 of the ~~12-hour~~ instructional course, the approved course  
12 provider shall issue ~~a 12-hour~~ an instructional course  
13 completion certificate in a form approved by the board. This  
14 completion certificate, along with the application fee, must  
15 be presented to the board in order to take the ~~introductory~~  
16 pre-licensure examination. ~~A 12-hour~~ An instructional course  
17 completion certificate shall be valid for a period of 12  
18 months.

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

1           "(g) Each professional bondsman, professional surety  
2 bondsman, and recovery agent must renew his or her  
3 certification with the board by completing ~~the~~ eight hours of  
4 approved continuing education prior to ~~November 1~~ September 30  
5 each year. Late renewal within the next 12 months may be had  
6 by completing the eight hours of continuing education and  
7 paying a renewal license fee of twice the amount otherwise  
8 required. If a professional bondsman, professional surety  
9 bondsman, or recovery agent fails to renew a certification for  
10 a 12-month period, the professional bondsman, professional  
11 surety bondsman, or recovery agent will be required to take  
12 the ~~initial 12-hour~~ instructional course and examination to  
13 again become certified.

14           "(h) The board, by rule, shall set the fees to be  
15 paid to the board in the administration of this section, not  
16 to exceed the maximum amounts set forth below:

17           "(1) ~~Examination~~ a. Application fee for a  
18 professional bondsman, professional surety bondsman, or a  
19 recovery agent, a nonrefundable fee to be paid to take the  
20 examination and for the issuance of the ~~initial~~ pre-licensure  
21 examination certificate, per examination attempt: ~~One hundred~~  
22 ~~twenty-five dollars (\$125)~~ Up to five hundred dollars (\$500).

23           "b. Application fee for a professional bail company  
24 or a professional surety company, a nonrefundable fee to be  
25 paid for the issuance of an initial license: Up to five

1 hundred dollars (\$500). Payment of this fee does not alleviate  
2 the requirement that each individual professional bondsman,  
3 professional surety bondsman, and recovery agent be licensed  
4 under this chapter.

5 " (2) a. Annual ~~continuing education renewal~~  
6 certificate license renewal fee for a professional bondsman,  
7 professional surety bondsman, or recovery agent, to be paid to  
8 receive the annual continuing education certificate: Fifty  
9 From fifty dollars (\$50) up to five hundred dollars (\$500).

10 " b. Annual license renewal fee for a professional  
11 bail company or a professional surety company, to be paid to  
12 receive the renewal license: Up to one hundred dollars (\$100).

13 " (i) Any professional bondsman or professional bail  
14 company owner who, on ~~September 1, 2019~~ the effective date of  
15 the act amending this subsection, is ~~60~~ 65 years of age and  
16 has ~~10~~ 15 years of experience in the profession, shall be  
17 exempt from the continuing education requirements of this  
18 article.

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

21 Section 2. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621, as amended  
25 by Amendment 890, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of Alabama of 1901,  
2 as amended, because the bill defines a new crime or amends the  
3 definition of an existing crime.

4 Section 3. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB204

Senate 16-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 17-MAY-21

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Senate concurred in House amendment 17-MAY-21

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By: Senator Williams