

Fees

17-19-301. Premiums.

With the exception of other provisions of this section, the premium or compensation for giving bond or depositing money or property as bail on any bond shall be **ten percent (10%)**, except that the amount may be rounded up to the nearest five-dollar amount.

The minimum compensation for giving bond or depositing money or property as bail on any bond shall be not less than fifty dollars **(\$50.00)**.

If a bail bond or appearance bond issued by a licensee under this chapter must be replaced with another bail bond or appearance bond because of the licensee's violation of any provision of the laws of this state or any rule, regulation, or order of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board, the licensee who violated the provision and who caused the replacement to be required shall pay all the premium amount for the replacement bond, in an amount not to exceed the amount of the original bond, without any contribution from the respective defendant or principal.

In addition to the ten percent bail or appearance bond premium or compensation allowed in subsection (a) of this section, and starting on July 1, 2013, each licensed professional bail bond company, sheriff or keeper of the jail shall charge and collect as a nonrefundable administrative and regulatory fee for the **board** an additional ten dollars **(\$10.00) per bond fee** for giving bond for every bail and appearance bond issued by the licensed professional bail bond company by or through its individual licensees, sheriff or keeper of the jail.

The administrative and regulatory fees payable by these companies to the fund for the support and operation of the board, and collected by the bail bond companies, sheriff or keeper of the jail as required by this section, shall be reported and filed with the board no later than **fifteen (15) calendar days after the end of each calendar quarter**, contemporaneous with the professional bail bond company's filing of its quarterly bail bond report with the board.

A notarized annual reconciliation of all fees collected in the preceding calendar year for the fund shall be filed by each licensed professional bail bond company at a time and on forms prescribed by the board.

The Executive Director of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board may grant an extension for good cause shown upon **timely written request**.

The administrative and regulatory fees payable by the bail bond companies, sheriff or keeper of the jail to the fund shall not exceed ten dollars (\$10.00) per bond, as required by this subchapter, exclusive of statutory licensure fees elsewhere in this chapter.

Upon collection of the fees and any monetary penalties, the board shall deposit as special revenues;

- (i) Sufficient fees and penalties directly into the Bail Bondsman Board Fund to provide for the personal services and operating expenses of the board under subsection (g) of this section ; and

The remainder of all fees and penalties directly into the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission

Absent an extension granted by the executive director for good cause to a company and in addition to any license suspension or revocation, the executive director may order after notice and a hearing a professional bail bond company failing timely to report or pay the regulatory fee to the fund by and through the executive director shall be liable to the fund for a monetary penalty of one hundred dollars **(\$100) per day for each day of delinquency**.

The board may pursue any appropriate legal remedies on behalf of the fund to collect any delinquent fees and penalties owed under this section as special revenues to the fund.

Upon collection of the regulatory fees and any monetary penalties payable to the fund and assessed under this section, the executive director shall deposit all fees and penalties directly into the fund as special revenues.

Upon failure of the bail bond company to remit the fees timely, the board may pursue civil legal remedies against the noncomplying bail bond company on behalf of the fund to recover the balance of the fees and any penalties owed.

The board may also fine, or **suspend or revoke** the license of, any professional bail bond company failing to make a **quarterly report** or remit or pay timely the **fees** required by this section as required by law.

The board may promulgate rules for enforcement.

Other than sole proprietors licensed as professional bail bond companies, individual bail bondsmen are exempt from the duty of payment of the administrative and regulatory fees to the Bail Bondsman Board Fund, except that the individual licenses of individual employees of the professional bail bond company may be suspended or revoked by the board under the administrative procedures provided in this chapter if the individual licensee fails to comply with his or her duties in proper collection of the bail bond premiums earmarked for later payment to the Bail Bond Operating Fund under this subsection, if he or she converts the moneys to his or her own use, or if he or she commits other infractions in regard to collection of such premium amounts.

In those instances, the violations of the individual may in the board's discretion be attributed to the employing professional bail bond company for good cause shown, and the license of the employing professional bail bond company may be sanctioned by the executive director under the administrative procedures provided in this chapter.

Further, upon criminal conviction of the individual bondsman for theft of property in connection with fraudulent conversion of those premium amounts due the Bail Bondsman Board Fund, the board shall revoke the individual's license, and fine or suspend or revoke the license of the employing professional bail bond company if it assisted the individual in such fraudulent conduct.

For purposes of § 17-19-205 requiring the professional bail bond company's deposit of a letter of credit or certificate of deposit for the faithful performance of its duties, the company's payment of the administrative and regulatory fee required by this subsection is the duty of the licensee so as to allow the executive director to make a claim against the security deposit required in § 17-19-205 on behalf of the Bail Bondsman Board Fund for the balance of any owed and unpaid administrative and regulatory fees the professional bail bond company still owes to the Bail Bondsman Board Fund, and the executive director shall promptly make claims against security deposits on behalf of the Bail Bondsman Board Fund, up to the limit of the company's deposit for any remaining fee balance due, in the manner provided in this subchapter for any claim against the deposit required in this chapter.

Deposits held for the Bail Bondsman Board Fund, or fees or any moneys deposited into the Bail Bondsman Board Fund are not subject to any levy or assessment of any kind, including forfeiture claims, misconduct claims, or general creditor claims of the bail bond company, subject to garnishment or other creditors' remedies under Title 16 of this Code or other provisions of Arkansas law.

In addition to the premiums, compensation, and fees allowed in subsections (a) and (d) of this section, each sheriff, keeper of the jail *or* bail bond company shall charge and collect **twenty dollars (\$20.00)** as a nonrefundable fee for the **Arkansas Public Defender Commission.**

All fees collected shall be forwarded to the board for deposit into the Public Defender User Fee Fund.

The commission shall deposit the money collected into the existing account within the State Central Services Fund entitled "Public Defender User Fees".

Three dollars (\$3.00) of each fee collected under this section shall be remitted to each county in the state to defray the operating expenses of each county's public defender office.

The commission shall remit quarterly to each county treasurer the county's portion of the fee collected under this section using the formula for the County Aid Fund under § 19-5-602.

The fees collected by the bail bond companies required under this subsection shall be reported and filed with the commission quarterly.

A notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed by each bail bond company by February 15 on forms provided by the board.

In addition to the bail or appearance bond premium or compensation allowed under this section and § 17-19-111, each licensed professional bail bond company, sheriff or keeper of the jail shall charge and collect a processing fee of **five dollars (\$5.00) on each bail bond** in order to defray the **surety's costs** incurred by the quarterly and annual reports to the commission and to further defray the surety's costs incurred in the collection of all fees on behalf of the commission.

The board may pursue any appropriate legal remedy for the collection of any delinquent fees owed under this subsection.

Upon collection of any fees and penalties, the board shall forward all fees and penalties to the commission for deposit into the Public Defender User Fees Fund account within the State Central Services Fund.

In addition to the premiums, compensation, and fees allowed under this chapter, each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under § 16-84-102 shall charge and collect as a non-refundable administrative bail bond fee for the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund and additional fee of six dollars (\$6.00) per bail bond for giving bond for every bail bond issued by the professional bail bond company buy or through its individual licensees, sheriff, keeper of the jail , or any person authorized to take bail under§ 16-84-102.

The fees and penalties collected under this subsection by a professional bail bond company, sheriff, keeper of the jail or a person authorized to take bail under§ 16-84-102 shall be forwarded to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for deposit into the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund.

The board shall deposit the money collected into the existing account with the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund to be used for the establishment and operation of alcohol abuse programs, drug abuse programs, crime prevention programs, and other related purposes in the counties.

The fees required under this subsection and collected by the bail bond companies, sheriff, keeper of the jail, or persons authorized to take bail under§ 16-84-102 shall be reported quarterly and filed with the board.

Within fifteen (15) days after receiving the quarterly fees from the bail bond companies, sheriff, keeper of the jail, or persons authorized to take bail under§ 16-84-102, the board shall remit the fees collected under this subsection to the Arkansas Sheriff's Association.

The Arkansas Sheriff's Association is the official organization of sheriff's in this state and is organized and exists under the Arkansas Nonprofit Corporation Act §§ 4-28-201 - 4-28-206 and §§ 4-28-209 - 4-28-224.

a notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed on forms provided by the board by each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under§ 16-84-102 by February 15.

The Department of Finance and Administration may pursue any appropriate legal remedy for the collection of delinquent fees and penalties owed under this subsection against an entity that has a duty

to collect the fees under this subsection.

The Board shall promulgate rules to suspend, revoke, or take disciplinary action for noncompliance in failure to remit or pay fees under this section or in failure to report under this section.

In addition to the premiums and fees allowed under this chapter, each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under§ 16-84-102 shall charge and collect an additional fee of **four dollars (\$4.00) per bail bond** for every bail bond issued by the professional bail bond company, by or through its individual licensees, sheriff, keeper of the jail, or any person authorized to take bail under§ 16-84-102.

The **administrative bail bond fee** is nonrefundable and shall be deposited into the **Bail Bond Recovery Fund**.

The fees and penalties collected under this subsection by the professional bail bond company, sheriff, keeper of the jail, or a person authorized to take bail under§ 16-84-102 shall be forwarded to the board for deposit into the Bail Bond Recovery Fund.

the board shall deposit the money collected into the existing account within the Bail Bond Recovery Fund.

Use of the funds from the Bail Bond Recovery Fund shall be for professional bail bond forfeitures.

The fees collected by the bail bond company, sheriff, keeper of the jail, or a person authorized to take bail under§ 16-84-102 required under this subsection shall be reported quarterly and filed with the board.

A notarized annual reconciliation of all fees collected in the preceding calendar year shall be filed on forms provided by the board by each professional bail bond company, sheriff, keeper of the jail, or person authorized to take bail under§ 16-84-102 by February 15.

The board may pursue any appropriate legal remedy for the collection of delinquent fees and penalties owed under this subsection against an entity that has a duty under this subsection to collect the fee.

The board shall promulgate rules to suspend, revoke, or take disciplinary action for noncompliance in failure to remit or pay fees under this section or for failure to report under this section.

17-19-111. Fees.

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 company, county sheriff, keeper of the jail or other person authorized to take bond under§ 16-84-102 are hereby required to charge, collect, and remit the following fees into the Bail Bondsman Board Fund for the support, personnel, maintenance, and operations of the 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 under Arkansas law.

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 the jail or other person authorized to take bond under§ 16-84-102 shall charge and collect as a nonrefundable fee for the Bail Bondsman Board Fund an additional **ten dollar fee per bail bond** for giving bond for each and every bail and appearance bond issued by the licensed professional bail bond company, county sheriff, keeper of the jail or other person authorized to take bond under§ 16-84-102 by or through its individual licensees.

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

The notarized quarterly reporting form and a notarized annual reconciliation form as to all fees collected for the Bail Bondsman Board Fund shall be filed by each professional bail bond company on forms prescribed by the board and at the times and in the manner as the board shall prescribe in conformity with this section.

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

The board may, in its discretion, grant an extension for the filing of the report and fees for good cause shown upon timely written request.

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

The board may pursue any appropriate legal remedies on behalf of the Bail Bondsman Board Fund to collect any delinquent fees and penalties owed as special revenues.

Upon collection of the fees and any monetary penalties, the board shall deposit or fund as special revenues:

Sufficient fees and penalties directly into the Bail Bondsman Board Fund to provide for the personal services and operating expenses of the board; and

The remainder of all fees and penalties directly into the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

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

Each individual bail bondsman is required to assist in collection of the fees but is exempt from the duty and responsibility of payment of the fees to the Bail Bondsman Board Fund unless he or she misappropriates or converts such moneys to his or her own use or to the use of others not entitled to the fees.

In that case, the board shall proceed on behalf of the Bail Bondsman Board Fund with any civil or criminal remedies at his or her disposal against the individual responsible.

Upon criminal conviction of the individual responsible for fraudulent conversion of the moneys due the Bail Bondsman Board Fund, the individual responsible shall pay restitution to the Bail Bondsman Board Fund, and the court shall incorporate a finding to that effect in its order.

Absent substantial evidence to the contrary, the violations of the individual may be attributed to the employing bail bond company, and any criminal or civil court may, in its discretion and upon substantial evidence, order the employing bail bond company to pay restitution to the Bail Bondsman Board Fund on behalf of the responsible individual and shall incorporate that finding into its order.

For purposes of any statutory security deposit Arkansas law requires of professional bail bond companies, including, but not limited to, the deposit under § 17-19-205, the payment of the fees required by this section is considered to be a duty of the licensee, so as to allow the board on behalf of the Bail Bondsman Board Fund to make a claim against any such deposit for the fees required by this section and any penalties owed thereon, up to the limit of any security deposit.

Under no circumstances shall the fees or penalties thereon held in or for deposit into the Bail Bondsman Board Fund as special revenues be subject to any tax, levy, or assessment of any kind, including, but not limited to, any bond forfeiture claims, any garnishment or general creditors'

19-5-1088. Bail Bondsman Board Fund

(a) There is established on the books of the Treasurer of the State, the Auditor of the State, the Chief Fiscal Officer of the State a fund to be known as the "Bail Bondsman Board Fund"

(b) This fund shall consist of those moneys collected under §§ 17-19-111 and 17-19-301 and other moneys from the collection of fees, there to be used exclusively for the operation of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

19-6-820. Bail Bond Recovery Fund

(a) There is created on the books of the Treasurer of the State, the Auditor of the State, the Chief Fiscal Officer of the State a special revenue fund to be known as the "Bail Bond Recovery Fund".

(b)(I) All moneys collected under § 17-19-301(9) shall be deposited into

the State Treasury to the credit of the fund as special revenues.

The fund shall also consist of any other revenues authorized by law.

The fund shall be used exclusively for the recovery of forfeited professional bonds.

The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall promulgate rules concerning the disbursements of the fund.

The board shall promulgate rules to suspend, revoke, or take disciplinary action for non-compliance in failure to remit or pay fees under this section or for failure to report under this section.

The Department of Finance and Administration may pursue any appropriate legal remedy for the collection of and remittance of the delinquent fees and penalties owed under this section against any entity that has a duty to collect or remit these fees.

17-19-303. Bail bonds - Numbers - Report.

Bail bonds shall be written on **numbered forms**.

The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board shall assign numbers for forms to professional bail bond companies and shall prescribe the method of affixing the numbers to the forms.

Each professional bail bond company shall file a **bail bond report quarterly** with the board.

The report shall include the following information on each bail bond:

The **assigned number of the bond** and **current status** of the bond, whether pending disposition or exonerated;

To **whom** the bond was written;

The **date** the bail bond was written;

The **defendant** and the charges against the defendant;

The **court**;

SECTION 9. QUARTERLY REPORTS

A. Every company shall file with the Board a quarterly report as required by Ark. Code Ann. Section 17-19-303(c). The report shall be made in the form as prescribed in Appendix "E" of this rule. The form shall be either typed or computer generated. Bonds shall be listed in sequential number order.

B. The quarterly report due dates are as follows:

Period Covered Due Date

July 1 - September 30 **October 15**

October 1 - December 31 **January 15**

January 1 - March 31 **April 15**

April 1 - June 30 **July 15**

C. Quarterly reports must be received by the Board on the above referenced due dates by **4:30 p.m.**

D. Companies may request an extension of time for filing a Quarterly Report by submitting a written request to the Director. Such request must be received and approved in advance of the due date, and must be for good cause shown.

E. If the quarterly report is not received as required by Subsection "C" above and no extension has been granted pursuant to Subsection "D" above, the offending company will be **immediately suspended.**

F. A penalty of One Hundred Dollars **(\$100.00) per day** will be assessed until the report is received, beginning the day after the report is due.

G. The company license will be reinstated upon the payment of said penalty and the signing of a consent order.

SECTION 8. COMPANY CODES

A. Upon issuance of a license to a professional bail bond company, the Board shall assign an **alpha code** that will be exclusive to that company. For each individual licensee of that company, the Board will assign a consecutive numerical code.

B. Company codes and individual bond numbers shall be preprinted sequentially in the **upper right hand corner of all bail bonds, powers of attorney, statements of bail and premium receipts** executed by the licensee. The bail bondsman's code may be written in ink between the company code and the bond number.