

Alabama Professional Bail Bonding Board Law

Section 15-13-201

Definitions.

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

- (1) BOARD. Alabama Professional Bail Bonding Board.
- (2) PROFESSIONAL BAIL COMPANY. A person, individual proprietor, partnership corporation, or other entity, other than a professional surety company, that furnishes bail or becomes surety for a person on an appearance bond and does so for a valuable consideration.
- (3) PROFESSIONAL BONDSMAN. Any individual or agent who is employed by a professional bail company or professional surety company to solicit and execute appearance bonds or actively seek bail bond business for or on behalf of a professional bail company, including any individual who has a direct or indirect ownership interest in a professional bail company.
- (4) PROFESSIONAL SURETY BONDSMAN. Any individual who is employed by a professional surety company to solicit and execute appearance bonds or actively seek bail bond business for or on behalf of a professional surety company, including any individual who has a direct or indirect ownership interest in a professional surety company.
- (5) PROFESSIONAL SURETY COMPANY. An insurance company, domestic or foreign corporation, or association engaged in the business of insurance, or a surety with a bail line of insurance to which has been issued a certificate of authority or certificate of compliance by the Department of Insurance to execute appearance bonds or bail bonds in criminal cases in the state.
- (6) RECOVERY AGENT. Any individual, other than an attorney or law enforcement officer, utilized by a professional surety company, professional bail company, or professional bondsman to apprehend a defendant who was released on bail and who violated the terms of his or her bail.

(Act 2019-409, §2; Act 2021-499, §1.)

Section 15-13-202

License Requirements; Apprentice License.

- (a) An individual may not hold himself or herself out to the public as a professional bondsman or a professional surety bondsman, operate as a recovery agent, or use any term, title, or

abbreviation that expresses, infers, or implies that the individual is licensed as a professional bondsman unless the individual at the time holds a valid license as a professional bondsman as provided in this article.

(b) All applicants shall pass an examination, unless exempted by this article, based on criteria established by the Alabama Professional Bail Bonding Board and established under Section 15-13-203 and shall comply with the continuing education requirements established by this article.

(c) The board may issue an apprentice license, which expires 120 days after issuance, to any applicant who satisfies all criteria for licensure except passing the examination. The board may require an applicant for licensure as an apprentice to sign an affidavit, on a form provided by the board, attesting that the applicant has no felony convictions. The board, by rule, may also provide an age exception to allow any applicant who is 19 or 20 years of age to work as an apprentice until he or she reaches the age of 21 years. The board may charge a fee, not exceeding fifty dollars (\$50), for an apprentice license.

(Act 2019-409, §3; Act 2021-499, §1.)

Section 15-13-203

Alabama Professional Bail Bonding Board – Creation; Composition; Adoption and Enforcement of Rules; Compensation.

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

(1) Seven professional bondsmen, one from each of the seven congressional districts of the state, nominated by the Alabama Bail Bond Association and appointed by the Governor from a list of not more than four nominees for each position on the board. For the initial terms of office, the President of the Alabama Bail Bond Association shall be the professional bondsman member of the board who represents the congressional district in which he or she resides. Each professional bondsman member appointed to the board shall be the owner of a professional bail bond company with at least five years of experience. Except as otherwise provided, no two professional bondsman members shall reside in the same congressional district. If no professional bondsman is available for nomination by the Alabama Bail Bond Association for a congressional district, the Alabama Bail Bond Association shall provide a list of four professional bondsman nominees from the state at large to the Governor for that congressional district, and the Governor shall appoint one of those nominees to fill that position on the board.

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

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

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

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

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

(Act 2019-409, §4; Act 2021-499, §1.)

Section 15-13-204

Alabama Professional Bail Bonding Board – Liability.

(a) Pursuant to Section 36-1-12, the members and employees of the board are granted immunity from civil liability and may not be liable for damages when acting in the performance of their duties under this article.

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

(Act 2019-409, §5.)

Section 15-13-205

Alabama Professional Bail Bonding Board – President and vice president.

At the initial meeting of the board and each time a new member is appointed to the board, the members of the board shall select from among their members a president to preside over meetings of the board, a vice president to preside in the absence of the president, and a secretary.

(Act 2019-409, §6.)

Section 15-13-206

Alabama Professional Bail Bonding Board – Alabama Bail Bond Board Fund.

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

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

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

(Act 2019-409, §7; Act 2021-499, §1.)

Section 15-13-207

Alabama Professional Bail Bonding Board – Rulemaking Authority; Canons of Ethics and Professional Standards; Personnel.

(a) The board may adopt rules necessary to implement this article and accomplish its objectives subject to the Alabama Administrative Procedure Act.

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

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

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

(Act 2019-409, §8; Act 2021-499, §1.)

Section 15-13-208

Alabama Professional Bail Bonding Board – Meetings; quorum.

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

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

(Act 2019-409, §9.)

Section 15-13-209

Licensing violations.

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

(b) Any individual who willfully violates subsection (a) or any other provision of this article, or a rule adopted or order issued by the board pursuant to this article, upon conviction, shall be guilty of a Class D felony.

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

(Act 2019-409, §10; Act 2021-499, §1.)

Section 15-13-210

Application for licensure.

a) An application and all information on an application for licensure pursuant to this article shall be treated as confidential and shall be filed with the board on forms prescribed by the board. The application shall include all of the following information of the applicant:

(1) His or her full name.

(2) His or her date of birth.

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

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

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

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

(Act 2019-409, §11; Act 2021-499, §1.)

Section 15-13-211

Licensure requirements.

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

- (1) Is at least 21 years of age.
- (2) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.
- (3) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.
- (4) Has not been convicted of a felony.
- (5) Has successfully completed pre-licensure education administered by an educational provider approved by the board.

(Act 2019-409, §12; Act 2021-499, §1.)

Section 15-13-212

Denial of licensure; application for reconsideration; issuance and display of license.

- (a)(1) If an application for a license is denied, the board shall notify the applicant in writing and specify the grounds for denial. If the grounds are subject to correction by the applicant, the notice shall so state and specify a reasonable period of time within which the applicant shall make the required correction.
 - (2) The applicant may submit an application for reconsideration to the board within 30 days from the date of receipt of the denial.
- (b) The board shall issue a license to all licensees that shall be at least 8" x 10" in size and shall be displayed on a wall of the workplace of the licensee. This license shall be deemed property of the state and subject to forfeiture to the state upon revocation.

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

(Act 2019-409, §13.)

Section 15-13-213

Identification card.

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

- (1) Name.
- (2) Photograph.
- (3) Bondsman's license number.
- (4) Expiration date of license.

(b) The identification card shall be carried on the person of the licensee when engaged in the activities of the licensee.

(Act 2019-409, §14.)

Section 15-13-214

Civil penalty for false statements to board.

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

(Act 2019-409, §15; Act 2021-499, §1.)

Section 15-13-215

Suspension, revocation, etc., of license; renewal of suspended license.

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

- (1) A violation of this article or any rule adopted pursuant to this article.

- (2) Fraud, deceit, or misrepresentation regarding an application or license.
 - (3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.
 - (4) A conviction by a court of competent jurisdiction of a felony.
 - (5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the board finds that the conviction reflects unfavorably on the fitness of the individual for the license.
 - (6) The commission of any act which would have been cause for refusal to issue the license or identification card had it existed and been known to the board at the time of issuance.
- (b) A license may be suspended for the remaining license period and renewed during any period in which the license was suspended.

(Act 2019-409, §16.)

Section 15-13-216

Application of Administrative Procedure Act.

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

(Act 2019-409, §18.)

Section 15-13-217

Examination; continuing education; certification; costs and fees.

(a) A professional bondsman, professional surety bondsman, or recovery agent commencing business in any judicial circuit in this state on and after June 1, 2020, shall attend a 16-hour instructional course conducted by an educational provider approved by the board and pass an examination approved by the board and administered by an educational provider approved by the board. Upon completion of the course and passage of the examination, the individual shall be awarded a pre-licensure examination certificate by the board, copies of which may be submitted to the presiding circuit judge, or other judicial authority, along with the other requirements set forth in Section 15-13-159 or Section 15-13-160. Those professional bondsmen, professional surety bondsmen, and recovery agents doing business immediately prior to June 1, 2020, are exempt from the initial instructional course and examination.

(b) Unless exempted pursuant to subsection (i), a professional bondsman, professional surety bondsman, or recovery agent making an annual filing in any circuit in this state pursuant to Section 15-13-159 or Section 15-13-160 on and after March 1, 2020, shall first complete eight

hours of continuing education conducted by an educational provider approved by the board. A professional bail company owner, who is at least 55 years of age and has five years of experience in the profession, shall only be required to complete four hours of continuing education. The educational provider approved by the board shall provide the board with the name of all professional bondsmen, professional surety bondsmen, or recovery agents completing eight hours of continuing education. Upon completion of the eight hours of continuing education, the individual shall request issuance of an annual continuing education certificate from the board, copies of which may be submitted to the presiding circuit judge along with the other requirements set forth in Section 15-13-159 or Section 15-13-160.

(c) The instructional course, examination, or continuing education courses shall be taught or sponsored by an educational provider approved by the board, which must apply annually for authority to offer such examination or courses.

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

(e) The cost of the instructional course shall be set by the approved course provider but shall not exceed five hundred dollars (\$500) per course. Upon completion of the instructional course, the approved course provider shall issue an instructional course completion certificate in a form approved by the board. This completion certificate, along with the application fee, must be presented to the board in order to take the pre-licensure examination. An instructional course completion certificate shall be valid for a period of 12 months.

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

(g) Each professional bondsman, professional surety bondsman, and recovery agent must renew his or her certification with the board by completing eight hours of approved continuing education prior to September 30 each year. Late renewal within the next 12 months may be had by completing the eight hours of continuing education and paying a renewal license fee of twice the amount otherwise required. If a professional bondsman, professional surety bondsman, or recovery agent fails to renew a certification for a 12-month period, the professional bondsman, professional surety bondsman, or recovery agent will be required to take the instructional course and examination to again become certified.

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

(1)a. Application fee for a professional bondsman, professional surety bondsman, or a recovery agent, a nonrefundable fee to be paid to take the examination and for the issuance of the pre-licensure examination certificate, per examination attempt: Up to five hundred dollars (\$500).

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

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

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

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

(i) Any professional bondsman or professional bail company owner who, on August 1, 2021, is at least 65 years of age and has 15 years of experience in the profession, shall be exempt from the continuing education requirements of this article.

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

(Act 2019-409, §19; Act 2021-499, §1.)

Section 15-13-218

Effect of criminal or civil actions under article.

No criminal or civil action taken under this article precludes a prosecution or action under any other law of this state.

(Act 2019-409, §20.)

Section 15-13-219

Sunset provisions.

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

(Act 2019-409, §21.)