

## **BILL ANALYSIS**

Senate Research Center  
76R1847 MXM-F

S.B. 449  
By: Armbrister  
Criminal Justice  
4/14/1999  
As Filed

### **DIGEST**

Currently, the regulation of bail bondsmen is administered in a variety of way; the county is the primary regulator. A county-level board, depending on the size of the county, carries out the majority of the regulation. A state-level board would require a bondsman to obtain a state license, pass a certification exam, and other educational requirements. The board would not usurp county-level regulation and would be implemented through the Texas Department of Licensing and Regulation. S.B. 449 would require a bondsman to obtain a state license and would create a bondsman advisory council.

### **PURPOSE**

As proposed, S.B. 449 requires a state license for bail bondsmen and creates a bondsmen advisory council via the Texas Department of Licensing and Regulation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the commissioner of licensing and regulation (Section 7(g), Article 2372p-4, V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 44, V.T.C.S., by adding Article 2372p-4, as follows:

#### **Art. 2372p-4. STATE CERTIFICATION OF BAIL BONDSMEN**

Sec. 1. DEFINITIONS. Defines “commissioner,” “department,” and “person.” Provides that the definitions of Article 2372p-3, V.T.C.S., apply to this article, in addition to definitions in Subsection (a).

Sec. 2. CERTIFICATE OF REGISTRATION REQUIRED; PENALTY. Prohibits a person from executing a bail bond in any county of this state without a certificate of registration issued under this article. Entitles a person to a certificate of registration if the person passes a certification examination (exam) and pays all required fees. Sets forth conditions and criteria under which a person is exempt from the examination requirement, including a sworn statement that demonstrates to the commissioner of licensing and regulation (commissioner) that the person is eligible for the exemption. Provides that a certificate issued under this article expires on the second anniversary of the date of issuance of the certificate, but is not transferable. Provides that a person commits a Class A misdemeanor, if the person operates as a bondsman without a certificate of registration issued under this article.

Sec. 3. EXEMPTION. Provides that this article does not apply to a person licensed to practice law by the Supreme Court of Texas.

Sec. 4. CERTIFICATION EXAMINATION; REQUIREMENTS. Requires each person who operates as a bondman to pass the exam under this section, unless otherwise provided by this article. Requires the exam to cover topics involved in the operation of a bail bond business. Requires the Texas Department of Licensing and Regulation (department) to approve, administer at least semiannually, and grade the exam. Requires an applicant to pay a \$100 fee for the cost of administering the exam. Entitles a person who fails the exam to take a subsequent exam on the payment of an additional exam fee, however, that person must wait a minimum of three months before the subsequent exam. Prohibits a person who failed the second exam from taking another

exam until the one-year anniversary of the second exam has passed. Provides that a dispute concerning the grading of an examination is governed by the contested case provisions of Chapter 2001, Government Code, and an appeal may be made as provided by Article 2372p-3, V.T.C.S.

Sec. 5. CONTINUING EDUCATION REQUIREMENTS. Requires a bondman to complete five hours of approved continuing education courses every year the bondsman wishes to renew the certificate of registration. Requires the department to certify qualified continuing education programs. Requires a course offered by a program to cover all major topics involved in the operation of a bail bond business. Requires a fee charged by a provider of the programs to cover the cost of presenting the program. Provides that the fee must be paid in full by the participant and may not be waived or paid by the provider. Requires each provider to furnish a list regarding certain information on the program participants.

Sec. 6. CERTIFICATE RENEWAL. Entitles a person holding a certificate under this article to renew the certificate if the person complied with the education requirements, paid the required fee, and complied with any other renewal requirements.

Sec. 7. ADVISORY COUNCIL. Establishes the Bail Bondsman Advisory Council (council) as an advisory committee to the department. Provides that the council is composed of nine members appointed by the commissioner. Requires the commissioner to appoint the nine members according to certain criteria. Sets forth service requirements, constraints, and privileges for a council member, including a two-year appointment, a bar on salaried compensations, and reimbursement for travel expenses. Authorizes the council to recommend standards, topics, and rules for the commissioner to adopt. Provides that the council is not subject to Chapter 2110, Government Code.

SECTION 2. (a) Effective date: September 1, 1999.

(b) Provides that a person is not required to hold a certificate of registration until January 1, 2000.

(c) Requires the commissioner of licensing and regulation to adopt rules to implement Article 2372p-4, V.T.C.S., by December 1, 1999.

(d) Requires a person who holds on September 1, 1999, a license issued by a county bail board under Article 2372p-3, V.T.C.S., and receives a certificate of registration under Article 2372p-4, V.T.C.S., to comply with the examination requirements imposed under that article no later than September 1, 2000.

SECTION 3. Emergency clause.