ALABAMA PROFESSIONAL BAIL BONDING BOARD
ADMINISTRATIVE CODE

CHAPTER 153-X-6
COLLATERAL, FIDUCIARY RELATIONSHIP

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153-X-6-.01 Collateral.

(1) When a company or licensee takes physical possession of collateral, a pre-numbered written receipt must be given to the client reflecting the following:

(a) The name, address, and telephone number of the company;

(b) The name, date, and signature of the client giving collateral;

(c) The case numbers for which collateral is posted;

(d) A description and approximate value of collateral received:

(e) The purpose for collateral received; and

(f) The name and signature of the licensee.

(2) Any company or licensee who receives collateral in connection with a contract for bail shall receive such collateral in a fiduciary capacity. Prior to any forfeiture of bail, the company or license shall keep collateral separate and apart from any other funds or assets of such company or licensee or any other licensee.

(3) At no time shall collateral be converted as an asset or for use of the company or the licensee or other licensee prior to any forfeiture, granted or executed.

(4) Promissory notes between a licensee or any other licensee and/or a company and a client are not considered collateral.

(5) Collateral maintained by a company and/or licensee shall be returned to the client within thirty (30) calendar days of adjudication of the client.

(6) If the amount of the bond exceeds the value of the collateral, that excess amount shall be considered unsecured.
Author: Alabama Professional Bail Bonding Board
Statutory Authority: Code of Ala. 1975, §15-13-207.
History: New Rule: Published June 30, 2020; effective August 14, 2020; operative upon approval by Joint Committee on November 10, 2020.

153-X-6-.02 Return Of Excess Collateral On Forfeiture.

(1) If collateral received is in excess of the bail forfeited, such excess shall be returned to the client immediately after the collateral is applied to the forfeiture.

(2) Documented and reasonable expenses incurred due to a breach of the contract or Court Order may be deducted from the collateral, if the Court does not allow a remission from the sum specified in the bail bond.
Author: Alabama Professional Bail Bonding Board
Statutory Authority: Code of Ala. 1975, §15-13-207.
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153-X-6-.03 Refund Of Premium.

(1) A client shall be entitled to a refund of his/her premium when the client is surrendered by his bail bondsman at any time prior to the final termination of the liability of the bond, provided that the client has not committed any of the following:

(a) Failed to appear for court or left the jurisdiction of the court without written consent of the court and/or the bail bondsman.

(b) Moved from his/her place of residence without notifying his/her bail bondsman.

(c) Was arrested for an offense, other than a violation.

(d) Violated any substantive provision in the bail bond contract.

(e) Client cannot be put back into custody for non-payment.

(2) A client shall be entitled to a refund of his/her premium when the bail bondsman fails to secure the client's release from actual custody on the charges for which he/she contracted.
Author: Alabama Professional Bail Bonding Board

Statutory Authority: Code of Ala. 1975, §15-13-207.
History: New Rule: Published June 30, 2020; effective August 14, 2020; operative upon approval by Joint Committee on November 10, 2020.

153-X-6-.04 Surety Practice Rules.

(1) Any Company that is required to use documents, power of attorney, or any materials from general Surety Agency shall use only original documents.

(2) Any Company that owes monies to any general Surety Agent or Court shall not change their Surety until all monies are paid in full.

(3) Any Company or Licensee shall not exceed their underwriting authority for Bail amounts.

(4) Any Company or Licensee shall not have any delayed reporting to their General Surety Agent.

(5) Any Company or Licensee shall return any and all documents requested by their General Surety Agency upon request.

(6) Any company or licensee shall attach Powers of Attorney and/or any required documents to their bonds as required by their General Surety Agency.
Author: Alabama Professional Bail Bonding Board
Statutory Authority: Code of Ala. 1975, §15-13-207.
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