



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

May 6, 1996

The Honorable Steven C. Hilbig  
Bexar County Criminal District Attorney  
300 Dolorosa, Suite 5072  
San Antonio, Texas 787205-3030

Letter Opinion No. 96-044

Re: Whether the Bexar County Bail Bond Board is authorized to issue multiple licenses to an individual under V.T.C.S. article 2372p-3 (ID# 22504)

Dear Mr. Hilbig:

On behalf of the Bexar County Bail Bond Board (the "board"), you ask whether the board is authorized to issue multiple licenses to an individual under V.T.C.S. article 2372p-3 (the "act"). You believe that the answer to this question is controlled by Attorney General Opinion JM-1023. We agree.

In Attorney General Opinion JM-1023, this office considered whether a bail bond board has the authority to refuse to issue more than one bail bond license to a person who wishes to operate multiple bail bond companies under assumed names. This office concluded that article 2372p-3 does not provide such authority, reasoning as follows:

While a bail bondsman may operate his business under an assumed name, only the individual (or corporation) may qualify as an applicant; and when acting as a surety the individual must sign the bond personally. It is the individual that is eligible to apply for a license rather than the business being operated under an assumed name. A bail bond business operating under an assumed name is not a distinct entity from another such business bearing a different assumed name so as to enable the individual owner of both businesses to be eligible for two licenses. Since article 2372p-3 prohibits the issuance of a license to anyone other than an individual or a corporation, a county bail bond board is without authority to grant more than one bail bond license to any person.

Attorney General Opinion JM-1023 (1989) at 3. Attorney General Opinion JM-1023 clearly stands for the proposition that article 2372p-3 does not authorize a county bail bond board to issue more than one bail bond license to any person.

We note that since this office issued Attorney General Opinion JM-1023, it construed section 7 of article 2372p-3, which deals exclusively with corporate sureties, in Attorney General Opinion DM-224. Attorney General Opinion DM-224 concluded that a

county bail bond board may issue multiple licenses to a corporate surety, and overruled prior opinions of this office to the extent that they are to the contrary to that conclusion. Attorney General Opinion DM-224 (1993) at 3.<sup>1</sup> We believe the conclusion in Attorney General Opinion JM-1023, that article 2372p-3 does not authorize a county bail bond board to issue more than one bail bond license to any person, is still valid with respect to individuals. We see no reason to depart from that conclusion here.<sup>2</sup>

You suggest that the board believes that it is authorized to issue multiple licenses because such a practice is not expressly prohibited by article 2372p-3. We disagree. A bail bond board has only those powers as are expressly conferred upon it by statute, together with those powers necessarily implied from powers or duties expressly provided. Attorney General Opinion JM-471 (1986) at 4 (citing cases). Because the board is not expressly authorized to issue multiple licenses to a single individual, and this authority cannot be implied from its express authority, the fact that article 2372p-3 does not expressly prohibit the practice is immaterial.

You also state that the board contends that it is authorized to issue multiple licenses to single individuals because it believes that "the State's interest is adequately protected by additional restrictions placed on Bexar County bail bondsmen." You explain that "[t]he Board requires that [a] bondsman seeking an additional license post independent security for each license, and if a bondsman violates [the act] or the rules and regulations promulgated under it, any resulting suspension or revocation extends to all licenses held by that bondsman." We believe that article 2372p-3 simply does not authorize the board to issue multiple licenses to single individuals, regardless of the conditions under which it does so. Furthermore, it is not apparent to us that these "additional restrictions" imposed by the board are within the board's statutory authority. In enacting article 2372p-3, the legislature has set forth requirements and procedures to protect the state's interest and has not authorized county bail bond boards to create additional ones.<sup>3</sup>

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<sup>1</sup>See also Letter Opinion No. 96-019 (1996) (concluding on basis of Attorney General Opinion DM-224 that bail bond board may license corporate surety to operate through designated agent who is individually licensed to execute bail bonds).

<sup>2</sup>Accord *id.* at 2 (citing Attorney General Opinion JM-1023 for proposition that bail bond board may not grant more than one bail bond license to individual).

<sup>3</sup>You also ask whether the board should immediately revoke multiple licenses granted in violation of article 2372p-3, and if it would be subject to liability for doing so. In addition, you ask who has standing to bring suit to compel the board to discontinue its practice of granting multiple licenses. Given that this office is not fully aware of the facts leading to your request, we decline to answer these questions. We believe that your office should decide what steps to take in light of the above legal analysis and, moreover, that it would be imprudent for this office to comment on any litigation that might arise as a result of this opinion.

**S U M M A R Y**

The Bexar County Bail Bond Board is not authorized to issue multiple licenses to an individual under V.T.C.S. article 2372p-3.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mary R. Crouter". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary R. Crouter  
Assistant Attorney General  
Opinion Committee