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SENATE BILL 922
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Short Title: Surety Bondsman Exam/Fee.

(Public)

Sponsors:

Referred to:

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EXAMINATION AND AN EXAMINATION FEE
FOR SURETY BONDSMEN LICENSE APPLICANTS AND TO CHANGE SOME
PROCEDURES WITH REGARD TO SURETY BONDS.

The General Assembly of North Carolina enacts:

Section 1. Article 71 of Chapter 58 of the General Statutes is amended by
adding a new section to read:

"§ 58-71-71. Surety bondsman examination; fees.

Each applicant for a license to be a surety bondsman under Article 33 of this Chapter shall be required to appear in person and take a written examination prepared by the Commissioner testing the applicant's ability and qualifications. Each applicant shall be eligible for examination 30 days after the date the application is received by the Commissioner. The examination shall be held at a time and place designated by the Commissioner. Each applicant shall be given notice of the designated time and place not less than 15 days before the examination. The fee for the examination shall be twenty-five dollars (\$25.00). The examination fee shall be nonrefundable. The failure of an applicant to pass an examination shall not preclude the applicant from taking subsequent examinations; provided, however, that at least one year must intervene between examinations."

Sec. 2. G.S. 15A-540(a) reads as rewritten:

"(a) A surety may surrender his principal to the sheriff of the county in which the principal is bonded to ~~appear~~. appear, or to the sheriff of the county in which the principal was bonded. A surety may arrest his principal for the purpose of returning him to the sheriff. Upon surrender of the principal the sheriff must provide a receipt to

1 the surety, a copy of which must be filed with the clerk. Upon application by the surety
2 after the surrender of the principal, before the forfeiture of bail under G.S. 15A-544(b),
3 the clerk must exonerate him from his bond."

4 Sec. 3. G.S. 15A-544(e) reads as rewritten:

5 "(e) At any time within 90 days after entry of the judgment against a principal or
6 his surety, or on the first day of the next session of court commencing more than 90
7 days after the entry of the judgment, the court may direct that the judgment be remitted
8 in whole or in part, upon such conditions as the court may impose, if it appears that
9 justice requires the remission of part or all of the judgment. If the principal is
10 incarcerated in North Carolina within 90 days after entry of the judgment and remains
11 incarcerated up to the forfeiture hearing, the forfeiture shall be stricken upon the
12 payment of costs. If the principal is incarcerated within 90 days after the entry of
13 judgment, then the bond shall be totally remitted upon the payment of costs."

14 Sec. 4. G.S. 15A-531 reads as rewritten:

15 **"§ 15A-531. Definitions.**

16 As used in this Article the following definitions apply unless the context clearly
17 requires otherwise:

- 18 (1) Bail Bond. – An undertaking by the principal to appear in court as
19 required upon penalty of forfeiting bail to the State of North Carolina
20 in a stated amount. Bail bonds include an unsecured appearance bond,
21 an appearance bond secured by a cash deposit of the full amount of the
22 bond, an appearance bond secured by a mortgage pursuant to G.S.
23 58-74-5, and an appearance bond secured by at least one solvent
24 surety. A surety bond shall be considered the same as a cash deposit
25 for all purposes in this Article.
- 26 (2) Obligor. – A principal or a surety on a bail bond.
- 27 (3) Principal. – A defendant or material witness obligated to appear in
28 court as required upon penalty of forfeiting bail under a bail bond.
- 29 (4) Surety. – One who, with the principal, is liable for the amount of the
30 bail bond upon forfeiture of bail."

31 Sec. 5. G.S. 15A-533 is amended by adding a new subsection to read:

32 "(d) When a misdemeanor is transferred from district court to superior court,
33 pursuant to G.S. 7A-271, there shall be a new determination of pretrial conditions, in
34 accordance with G.S. 15A-534."

35 Sec. 6. Section 1 of this act becomes effective July 1, 1994. The remainder
36 of this act is effective upon ratification.