

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 846
Judiciary II Committee Substitute Adopted 5/24/05

Short Title: Modernize Bail Bondsman Registration.

(Public)

Sponsors:

Referred to:

March 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN
3 REGISTER THEIR LICENSES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 58-71-140 reads as rewritten:

6 "**§ 58-71-140. Registration of licenses and power of appointments by insurers.**

7 (a) ~~No~~ Before the date of the notice provided for in subsection (e) of this section,
8 no professional bail bondsman shall become a surety on an undertaking unless he or she
9 has registered his or her current license in the office of the clerk of superior court in the
10 county in which he or she resides and a certified copy of the same with the clerk of
11 superior court in any other county in which he or she shall write bail bonds.

12 (b) ~~A~~ Before the date of the notice provided for in subsection (e) of this section, a
13 surety bondsman shall register his or her current surety bondsman's license and a
14 certified copy of his or her power of appointment with the clerk of superior court in the
15 county in which the surety bondsman resides and with the clerk of superior court in any
16 other county in which the surety bondsman writes bail bonds on behalf of an insurer.

17 (c) ~~No~~ Before the date of the notice provided for in subsection (e) of this section,
18 no runner shall become surety on an undertaking on behalf of a professional bondsman
19 unless that runner has registered his or her current license and a certified copy of his or
20 her power of attorney in the office of the clerk of superior court in the county in which
21 the runner resides and with the clerk of superior court in any other county in which the
22 runner writes bail bonds on behalf of the professional bondsman.

23 (c1) On or after the date of the notice provided for in subsection (e) of this section,
24 all licensed professional bail bondsmen, surety bondsmen, and runners shall register in
25 the statewide Electronic Bondsman Registry in accordance with subsection (e) of this
26 section.

27 (d) Professional bondsmen, surety bondsmen, and runners shall file with the clerk
28 of court having jurisdiction over the principal an affidavit on a form furnished by the
29 Administrative Office of the Courts. The affidavit shall include, but not be limited to:

- 1 (1) If applicable, a statement that the bondsman has not, nor has anyone
2 for the bondsman's use, been promised or received any collateral,
3 security, or premium for executing this appearance bond.
- 4 (2) If promised a premium, the amount of the premium promised and the
5 due date.
- 6 (3) If the bondsman has received a premium, the amount of premium
7 received.
- 8 (4) If given collateral security, the name of the person from whom it is
9 received and the nature and amount of the collateral security listed in
10 detail.

11 (e) On or before July 1, 2006, the Administrative Office of the Courts shall
12 establish a statewide Electronic Bondsmen Registry (Registry) for all licenses, powers
13 of appointment, and powers of attorney requiring registration under this section. When
14 the Registry is established, the Administrative Office of the Courts shall notify the
15 Commissioner and the Commissioner shall notify all licensed professional bondsmen,
16 surety bondsmen, runners, and qualified insurance companies of the Registry. On or
17 after the date of that notice, a person may register as required under this section by
18 maintaining a record of each required license, power of appointment, or power of
19 attorney in the Registry. After a bondsman, surety bondsman, or runner has completed
20 registration in the Registry, he or she is authorized to execute bail bonds pursuant to his
21 or her registered license, power of appointment, or power of attorney in all counties so
22 long as the registered license, power of appointment, or power of attorney remains in
23 effect."

24 **SECTION 2.** G.S. 15A-544.7(c) reads as rewritten:

25 "(c) Execution; Copy to Commissioner of Insurance. – After docketing a final
26 judgment under this section, the clerk shall:

- 27 (1) Issue execution on the judgment against the defendant and against
28 each accommodation bondsman and professional bondsman named in
29 the judgment and shall remit the clear proceeds to the county finance
30 officer as provided in G.S. 115C-452.
- 31 (2) If an insurance company or professional bondsman is named in the
32 judgment, send the Commissioner of Insurance a ~~copy~~ notice of the
33 judgment, showing the date on which the judgment was docketed."

34 **SECTION 3.** This act is effective when it becomes law.