

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 846
Judiciary II Committee Substitute Adopted 5/24/05
House Committee Substitute Favorable 7/6/06

Short Title: Modernize Bail Bondsman Registration.

(Public)

Sponsors:

Referred to:

March 23, 2005

A BILL TO BE ENTITLED

AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN
REGISTER THEIR LICENSES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

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