

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 623
HOUSE BILL 1258

AN ACT TO PERMIT QUALIFIED SURETY COMPANIES TO GUARANTEE ARREST BOND CERTIFICATES OFFERED BY AUTOMOBILE CLUBS AND ASSOCIATIONS; REQUIRING THE ACCEPTANCE OF THOSE GUARANTEED ARREST BOND CERTIFICATES IN THE EVENT OF VIOLATION OF CERTAIN MOTOR VEHICLE LAWS; AND TO PROVIDE FOR THE FORFEITURE OF THE GUARANTEED ARREST BOND CERTIFICATES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 109 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 6.

"Guaranteed Arrest Bond Certificates of Automobile Clubs and Associations in Lieu of Bond.

"§ 109-40. Authority for qualified surety companies to guarantee certain arrest bond certificates. – (a) Any domestic or foreign surety company which has qualified to transact business in this State may become a surety, by filing with the North Carolina Department of Insurance an undertaking to become surety, in an amount not to exceed five hundred dollars (\$500.00) with respect to each guaranteed arrest bond certificate issued by an automobile club or association.

(b) The undertaking shall be in a form to be prescribed by the Department of Insurance and shall state:

- (1) The name and address of the automobile club or clubs or automobile association or associations with respect to which the surety company undertakes to guarantee the arrest bond certificates.
- (2) The unqualified obligation of the surety company to pay the fine or forfeiture, in an amount not to exceed five hundred dollars (\$500.00) of any person who, after posting a guaranteed arrest bond certificate which the surety has undertaken to guarantee, fails to make the appearance for which the guaranteed arrest bond certificate was posted.

"§ 109-41. Guaranteed arrest bond certificates accepted. – (a) Any guaranteed arrest bond certificate guaranteed by a surety company pursuant to G.S. 109-40, shall be accepted in lieu of cash bail or other bond in an amount not to exceed five hundred dollars (\$500.00) as a bail bond, when signed by the person whose signature appears on the certificate, to guarantee the appearance of that person in any court in this State at the

time set by the court when the person is arrested for the violation of any motor vehicle law of the State or any motor vehicle ordinance of any municipality of this State. The guaranteed arrest bond certificate shall not apply to, and shall not be accepted in lieu of cash bail or bond when the person has been arrested for any impaired driving offense or for any felony.

(b) A guaranteed arrest bond certificate that is posted as a bail bond in any court shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law."

Sec. 2. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 5th day of July, 1985.