

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 446

Short Title: Amend Statutes Governing Bail Bondsmen. (Public)

Sponsors: Representatives Jordan, Wray, R. Turner, and Schaffer (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform, if favorable, Judiciary II.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTES GOVERNING BAIL BONDSMEN TO INCREASE THE AGE OF QUALIFICATION FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER, TO LENGTHEN THE TIME LIMIT FOR THE RETURN OF SECURITY TO INCLUDE THE TIME PERIOD IN WHICH AN APPEAL FROM DISTRICT COURT MAY BE FILED, TO REQUIRE THE COMMISSIONER OF INSURANCE TO RETURN THE AMOUNT OF A BONDSMAN'S SECURITY DEPOSIT ABOVE OUTSTANDING BOND LIABILITY IN EVENT THE BONDSMAN IS KILLED OR CEASES WRITING BONDS, AND TO PROVIDE ACCESS FOR BONDSMEN TO CERTAIN AUTOMATED INFORMATION SYSTEMS OF THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-71-50(b)(1) reads as rewritten:

"(1) Be ~~18-21~~ years of age or over."

SECTION 2. G.S. 58-71-95(5) reads as rewritten:

"(5) Accept anything of value from a principal or from anyone on behalf of a principal except the premium, which shall not exceed fifteen percent (15%) of the face amount of the bond; provided that the bondsman shall be permitted to accept collateral security or other indemnity from a principal or from anyone on behalf of a principal. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond and shall be returned within ~~72 hours~~ 15 days after final termination of liability on the bond. Any bail bondsman who knowingly and willfully fails to return any collateral security, the value of which exceeds one thousand five hundred dollars (\$1,500), is guilty of a Class I felony. All collateral security, such as personal and real property, subject to be returned must be done so under the same conditions as requested and received by the bail bondsman."

SECTION 3. G.S. 58-71-151 reads as rewritten:

"§ 58-71-151. Securities held in trust by Commissioner; authority to dispose of same.

The securities deposited by a professional bondsman with the Commissioner shall be held in trust for the protection and benefit of the holder of bail bonds executed by or on behalf of the undersigned bondsman in this State. Notwithstanding any other provision of law, the Commissioner is authorized to select a bank or trust company as master trustee to hold cash securities to be pledged to the State when deposited with the Commissioner pursuant to statute.



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1 Securities may be held by the master trustee in any form that in fact perfects the security
2 interest of the State in the securities. The Commissioner shall by rule establish the manner in
3 which the master trust shall operate. The master trustee may charge the person making the
4 deposit reasonable fees for services rendered in connection with the operation of the trust, and
5 the assets of the account may be used to pay such charges.

6 A pro rata portion of the securities shall be returned to the bondsman when the
7 Commissioner is satisfied that the deposit of securities is in excess of the amount required to be
8 maintained with the Commissioner by said bondsman; and all the securities shall be returned if
9 the Commissioner is satisfied that the bondsman has satisfied, or satisfactory arrangements
10 have been made to satisfy, the obligations of the bondsman on all the bondsman's bail bonds
11 written in the State.

12 If a bondsman discontinues writing bonds due to death, permanent incapacitation, or some
13 other circumstance that results in the bondsman returning the license issued under this Article
14 to the Commissioner and the Commissioner is satisfied that no more bonds can be written
15 against the bondsman's security deposit, the Commissioner shall return the portion of the
16 security deposit in excess of that required to secure the bondsman's outstanding bond liability.

17 The Commissioner may sell or transfer any and all of said securities or utilize the proceeds
18 thereof for the purpose of satisfying the liabilities of the professional bondsman on bail bonds
19 given in this State on which the bondsman is liable."

20 **SECTION 4.** G.S. 58-71-200(b) reads as rewritten:

21 "(b) Access granted under subsection (a) of this section shall ~~be limited to include~~
22 information systems containing general criminal case information, as maintained by the clerks
23 of superior court. ~~Access shall not include~~ court, as well as systems for the production of
24 criminal process by law enforcement officials and judicial officials under G.S. 15A-301.1 or
25 other information not subject to public disclosure."

26 **SECTION 5.** From funds available to it, the Administrative Office of the Courts
27 shall modify its VCAP and NCAWARE systems in order to permit the access needed to
28 implement the amendments to G.S. 58-71-200(b) set forth in Section 4 of this act. The
29 Administrative Office of the Courts shall report to the Joint Oversight Committee on Justice
30 and Public Safety no later than October 1, 2015, and every six months thereafter regarding its
31 progress in implementing this section, until it has certified to the Committee that the
32 information system changes necessary to implement this act have been completed.

33 **SECTION 6.** Section 4 of this act becomes effective on the first day of a month
34 that is 30 days after the Administrative Office of the Courts certifies to the Revisor of Statutes
35 that it has completed the changes required by Section 5 of this act. The remainder of this act is
36 effective when it becomes law.