

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 446
PROPOSED COMMITTEE SUBSTITUTE H446-PCS20327-RN-17

Short Title: Amend Statutes Governing Bail Bondsmen.

(Public)

Sponsors:

Referred to:

April 2, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES GOVERNING BAIL BONDSMEN TO INCREASE
3 THE AGE OF QUALIFICATION FOR LICENSURE AS A BAIL BONDSMAN OR
4 RUNNER, TO LENGTHEN THE TIME LIMIT FOR THE RETURN OF SECURITY TO
5 INCLUDE THE TIME PERIOD IN WHICH AN APPEAL FROM DISTRICT COURT
6 MAY BE FILED, TO REQUIRE THE COMMISSIONER OF INSURANCE TO RETURN
7 THE AMOUNT OF A BONDSMAN'S SECURITY DEPOSIT ABOVE OUTSTANDING
8 BOND LIABILITY IN EVENT THE BONDSMAN IS KILLED OR CEASES WRITING
9 BONDS, AND TO ALLOW A BONDSMAN TO HAVE ACCESS TO THE
10 ADMINISTRATIVE OFFICE OF THE COURTS' CIVIL INFORMATION SYSTEMS.

11 The General Assembly of North Carolina enacts:

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

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

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

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

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

29 "**§ 58-71-151. Securities held in trust by Commissioner; authority to dispose of same.**

30 The securities deposited by a professional bondsman with the Commissioner shall be held
31 in trust for the protection and benefit of the holder of bail bonds executed by or on behalf of the
32 undersigned bondsman in this State. Notwithstanding any other provision of law, the
33 Commissioner is authorized to select a bank or trust company as master trustee to hold cash
34 securities to be pledged to the State when deposited with the Commissioner pursuant to statute.
35 Securities may be held by the master trustee in any form that in fact perfects the security
36 interest of the State in the securities. The Commissioner shall by rule establish the manner in



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1 which the master trust shall operate. The master trustee may charge the person making the
2 deposit reasonable fees for services rendered in connection with the operation of the trust, and
3 the assets of the account may be used to pay such charges.

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

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

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

18 **SECTION 4.** G.S. 58-71-200 reads as rewritten:

19 "**§ 58-71-200. Bondsman access to criminal ~~court~~ and civil records.**

20 (a) In order to assist licensed sureties and their agents in evaluating potential and
21 current clients for the purposes of bail, the Administrative Office of the Courts shall provide
22 any individual with a current license to act as professional bondsman, surety bondsman, or
23 runner with access to search criminal records in the Administrative Office of the Courts'
24 real-time criminal and civil information systems.

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

30 (c) Access provided pursuant to subsection (a) of this section shall be without charge
31 for individual searches of the Administrative Office of the Courts' criminal and civil
32 information systems. In order to defray the costs of establishing access, the Administrative
33 Office of the Courts shall charge initial setup fees equivalent to its fees for governmental
34 agencies granted access to its systems to each individual granted access pursuant to subsection
35 (a) of this section.

36"

37 **SECTION 5.** Section 1 of this act is effective when it becomes law and applies to
38 applications for licenses filed on or after that date. The remainder of this act is effective when it
39 becomes law.