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SENATE BILL DRS15106-NE-62

Short Title: Bail Bondsmen Revisions.-AB

(Public)

Sponsors: Senator Johnson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT REVISING THE LAWS RELATED TO BAIL BONDSMEN, AS RECOMMENDED  
3 BY THE DEPARTMENT OF INSURANCE.  
4 The General Assembly of North Carolina enacts:

5  
6 **PART I. CLARIFY ABROGATION OF COMMON LAW AND ALLOW**  
7 **OUT-OF-STATE SURETIES TO USE LICENSED BONDSMEN**

8 **SECTION 1.(a)** Article 71 of Chapter 58 of the General Statutes is amended by  
9 adding a new section to read:

10 **"§ 58-71-2. Statement of purpose and abrogation of the common law.**

11 The purpose of this Article is to provide a comprehensive framework for the regulation of all  
12 persons licensed under this Article in the capacity of professional bondsmen, surety bondsmen,  
13 or runners, or performing any of the functions, duties, or powers prescribed for professional  
14 bondsmen, surety bondsmen, or runners within the State of North Carolina. Any part of the  
15 common law that conflicts with the provisions of this Article is expressly abrogated."

16 **SECTION 1.(b)** G.S. 58-71-30 reads as rewritten:

17 **"§ 58-71-30. Arrest of defendant for purpose of surrender.**

18 (a) For the purpose of surrendering the defendant, the surety may arrest him before the  
19 forfeiture of the undertaking, or by his written authority endorsed on a certified copy of the  
20 undertaking, may request any judicial officer to order arrest of the defendant.

21 (b) A surety on a bail bond or undertaking from another state or jurisdiction shall not  
22 arrest the defendant in this State for the purposes of surrendering the defendant.

23 (c) Notwithstanding the provisions of subsection (b) of this section, a surety on a bail  
24 bond or undertaking from another state or jurisdiction must utilize the services or assistance of  
25 any North Carolina surety bondsman, professional bondsman, or runner to effect the arrest or  
26 surrender of the defendant. The surety must first provide the surety bondsman, professional  
27 bondsman, or runner with a certified copy of the undertaking."

28  
29 **PART II. CHANGES TO PROVISIONAL LICENSING OF BONDSMEN**

30 **SECTION 2.(a)** G.S. 58-71-1 reads as rewritten:

31 **"§ 58-71-1. Definitions.**

32 The following definitions apply in this Article:

33 ...

34 (4a) ~~First year licensee.— Any person who has been licensed as a bail bondsman~~  
35 ~~or runner under this Article and who has held the license for a period of less~~  
36 ~~than 12 months.~~



(4b) Direct supervision. – Direction of a provisional licensee's activities by a supervising bail bondsman that involves personal and face-to-face contact on a frequent and reasonable basis.

...

(8a) Provisional licensee. – Any person licensed as a bail bondsman or runner under this Article for a period of less than 24 months.

~~(8a)(8b)~~ Resident. – A person who lives in this State for at least six consecutive months immediately before applying for a license under this Article.

...

(9a) Supervising bail bondsman. – Any person licensed by the Commissioner as a professional bondsman or surety bondsman who (i) meets the requirements of G.S. 58-71-41.1 and G.S. 58-71-50 and (ii) employs or contracts with any new licensee under this Article, a provisional licensee under this Article.

...

(11) Surety bondsman. – Any person who is licensed by the Commissioner as a surety bondsman under this Article, is appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, proceedings of another, and who receives or is promised consideration for doing so."

**SECTION 2.(b)** G.S. 58-71-41 reads as rewritten:

**"§ 58-71-41. First-year Provisional licensees; limitations.**

(a) Except as provided in this section, a first-year provisional licensee shall have the same authority as other persons licensed as bail bondsmen or runners under this Article. Except as provided in subsection (d) of this section, a first-year provisional licensee shall operate only under the direct supervision of and from the official business address of a licensed supervising bail bondsman, who shall be responsible for the direct supervision of the provisional licensee, for the first 12-24 months of licensure. A first-year provisional licensee may only be employed by or contract with one supervising bail bondsman.

(b) When a first-year provisional licensee has completed 12-24 months of supervision, six of which shall be uninterrupted, the supervising bail bondsman shall give notice of that fact to the Commissioner in writing. If the licensee will continue to be employed by or contract with the supervising bail bondsman beyond the initial 12-month-24-month period, the supervising bail bondsman shall continue to supervise and be responsible for the licensee's acts.

(c) If the employment of or contract with a first-year provisional licensee is terminated, the supervising bail bondsman shall notify the Commissioner in writing and shall specify the reason for the termination.

(d) If, after exercising due diligence, a first-year licensed bail bondsman-provisional licensee is unable to become employed by or to contract with a supervising bail bondsman, the first-year licensed bail bondsman-provisional licensee must submit to the Department a sworn affidavit stating the relevant facts and circumstances regarding the first-year licensed bail bondsman's-provisional licensee's inability to become employed by or contract with a supervising bail bondsman. The Department shall review the affidavit and determine whether the first-year licensed bail bondsman-provisional licensee will be allowed to operate as an unsupervised bail bondsman. A first-year licensed bail bondsman is prohibited from becoming a supervising bail bondsman during the first two-five years of licensure.

(e) Provided all other licensing requirements are met, an applicant for a bail bondsman or runner's license who has previously been licensed with the Commissioner for a period of at least 18 consecutive months and who has been inactive or unlicensed for a period of not more than three consecutive years shall not be deemed a new licensee for purposes of this section."

1           **SECTION 2.(c)** Article 71 of Chapter 58 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 58-71-41.1. Requirements for supervising bail bondsmen.**

4           (a) A bail bondsman who seeks to act as a supervising bail bondsman or to restore a  
5 revoked supervising bail bondsman status shall meet all of the following requirements:

6               (1) Submit an application on a form approved by the Commissioner and pay a  
7 two hundred dollar (\$200.00) application fee.

8               (2) Have five years of uninterrupted experience as a licensed bail bondsman in  
9 this State.

10              (3) Have not violated an order of the Commissioner or had adverse administrative  
11 action taken against the bail bondsman's license pursuant to G.S. 58-71-80.

12              (4) The bail bondsman shall possess or demonstrate the competence, experience,  
13 or integrity considered by the Commissioner to be necessary to serve as a  
14 supervising bail bondsman.

15           (b) A supervising bail bondsman shall submit to the Commissioner, on a form prescribed  
16 by the Commissioner, both of the following:

17               (1) No later than May 31 of each year, a renewal application on a form prescribed  
18 by the Commissioner. Failure to comply with this subdivision shall result in  
19 revocation of a bondsman's status as a supervising bail bondsman.

20               (2) No later than the fifth business day of each month, a record of each provisional  
21 licensee supervised by the supervising bail bondsman.

22           (c) A supervising bail bondsman shall not:

23               (1) Charge a fee for supervising a provisional licensee.

24               (2) Supervise more than two provisional licensees at one time."

25           **SECTION 2.(d)** Any bail bondsman (i) acting as or seeking to act as a supervising  
26 bail bondsman or (ii) seeking to restore a revoked supervising bail bondsman status shall submit  
27 the application and fee required by G.S. 58-71-41.1, as enacted by this act, within 60 days of the  
28 effective date of this act.

29  
30 **PART III. CHANGES TO DISCIPLINARY STATUTE TO ALLOW FOR**  
31 **ADMINISTRATIVE ACTION BASED ON THE COMMISSION OF CERTAIN**  
32 **CRIMES; PROVISIONAL LICENSEE CONFORMING CHANGE**

33           **SECTION 3.** G.S. 58-71-80 reads as rewritten:

34 **"§ 58-71-80. Grounds for denial, suspension, probation, revocation, or nonrenewal of**  
35 **licenses.**

36           (a) The Commissioner may deny, place on probation, suspend, revoke, or refuse to renew  
37 any license issued under this Article, in accordance with the provisions of Article 3A of Chapter  
38 150B of the General Statutes, for any one or more of the following causes:

39               ...  
40               (6a) Violation of a statute or ordinance that results in injury or death.

41               ...  
42               (8a) When, in the judgment of the Commissioner, the licensee has used  
43 unnecessary or excessive force in performing the functions, duties, and  
44 powers under the license issued by the Commissioner.

45               ...  
46           (b) The Commissioner shall deny, revoke, or refuse to renew any license under this  
47 Article ~~if~~ if (i) the applicant or licensee is or has ever been convicted of a ~~felony~~-felony or (ii)  
48 pursuant to the provisions of Article 3A of Chapter 150 of the General Statutes, the  
49 Commissioner, or another appropriate administrative body, finds that the applicant or licensee  
50 performed the acts necessary to satisfy the elements of a felony.

51           ...

(b3) For the purposes of this section, a conviction includes an adjudication of guilt, a plea of guilty, and a plea of nolo contendere.

(c) In the case of a ~~first-year provisional~~ licensee whose employment or contract is terminated prior to the end of the ~~12-month~~ 24-month supervisory period, the Commissioner may consider all information provided in writing by the supervising bail bondsman in determining whether sufficient cause exists to suspend, revoke, or refuse to renew the license or to warrant criminal prosecution of the ~~first-year provisional~~ licensee. If the Commissioner determines there is not sufficient cause for adverse administrative action or criminal prosecution, the termination shall not be deemed an interruption and the period of time the licensee was employed by or contracted with the terminating supervising bail bondsman will be credited toward the licensee's completion of the required ~~12-~~ 24 months of supervision with a subsequent supervising bail bondsman.

...."

#### **PART IV. CHANGE DUE DATE FOR CONTINUING EDUCATION REQUIREMENTS AND RENEWAL APPLICATIONS**

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

"(b) Each year by ~~June 30~~ May 15 every licensee shall complete at least three hours of continuing education as provided by an approved provider in subjects related to the duties and responsibilities of a runner or bail bondsman. This continuing education shall not include a written or oral examination. A person who receives his or her first license on or after January 1 of any year does not have to comply with this subsection until ~~June 30~~ May 15 of the following year."

**SECTION 4.(b)** G.S. 58-71-75(b) reads as rewritten:

"(b) Renewal Application. – In even-numbered years, a bail bondsman or runner seeking to renew a license ~~shall shall, by May 15, provide the Commissioner prior to the expiration date of the bail bondsman's or runner's current license,~~ all of the following:

...."

#### **PART V. PHYSICAL LOCATION FOR OFFICIAL BUSINESS ADDRESS**

**SECTION 5.** G.S. 58-71-40 reads as rewritten:

**"§ 58-71-40. Bail bondsmen and runners to be qualified and licensed; license applications generally.**

(a) No person shall act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional bondsmen, surety bondsmen, or runners under this Article unless that person is qualified and licensed under this Article. No licensee shall participate in or solicit assistance in securing custody of a principal by another not licensed under this Article. No license shall be issued under this Article except to an individual natural person.

...

(f) A licensee shall have an official business address that is a physical location in the State of North Carolina. Official business addresses shall reflect an established office separate and apart from any residence or other business. The address required by this subsection shall be provided to the Commissioner designating where required business records are maintained upon examination pursuant to G.S. 58-71-170. The physical location used as the official business address must comply with all local or municipal zoning ordinances and regulations. Use of a post office box as an official business address is prohibited."

#### **PART VI. QUALIFICATIONS FOR BONDSMEN**

**SECTION 6.** G.S. 58-71-50 reads as rewritten:

**"§ 58-71-50. Qualification for bail bondsmen and runners.**

1        ...  
2        (b)     Qualifications. – Every applicant for a license under this Article as a bail bondsman  
3 or runner must meet all of the following qualifications:

4        ...  
5            (8)     Hold a valid and current North Carolina drivers license or valid North  
6                   Carolina identification card issued by the Division of Motor  
7                   ~~Vehicles.~~ Vehicles and comply with all motor vehicle financial responsibility  
8                   requirements pursuant to G.S. 20-309.

9            ...."

10  
11 **PART VII. EFFECTIVE DATE**

12            **SECTION 7.** This act becomes effective July 1, 2025, and applies to bail bondsmen  
13 licenses issued or renewed on or after that date.