

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 644

Short Title: Agent/Bail Bonds Applicant Petition Deadline.-AB (Public)

Sponsors: Representative Holliman.

Referred to: Insurance.

March 16, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON
2 AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE
3 REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A
4 HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL
5 STATUTES ARE MANDATORY, NOT DISCRETIONARY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 58-33-30(g) reads as rewritten:

8 "(g) Denial of License. – If the Commissioner finds that the applicant has not fully
9 met the requirements for licensing, he shall refuse to issue the license and shall notify in
10 writing the applicant and the appointing insurer, if any, of such denial, stating the
11 grounds therefor. The application may also be denied for any reason for which a license
12 may be suspended or revoked or not renewed under G.S. 58-33-46. ~~Within 30 days after~~
13 ~~service of the notification, the applicant may~~ In order for an applicant to be entitled to a
14 review of the Commissioner's action to determine the reasonableness of the action, the
15 applicant shall make a written demand upon the Commissioner for a review ~~to~~
16 ~~determine the reasonableness of the Commissioner's action.~~ no later than 30 days after
17 service of the notification upon the applicant. The review shall be completed without
18 undue delay, and the applicant shall be notified promptly in writing as to the outcome of
19 the review. ~~Within 30 days after service of the notification as to the outcome, the~~
20 ~~applicant may~~ In order for an applicant who disagrees with the outcome of the review to
21 be entitled to a hearing under Article 3A of Chapter 150B of the General Statutes, the
22 applicant shall make a written demand upon the Commissioner for a hearing ~~under~~
23 ~~Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the~~
24 ~~outcome.~~ no later than 30 days after service of the notification upon the applicant as to
25 the outcome."

26 **SECTION 2.** G.S. 58-71-85(b) reads as rewritten:

27 "(b) Whenever the Commissioner denies an initial application for a license or an
28 application for a reissuance of a license, he shall notify the applicant and advise, in
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1 writing, the applicant of the reasons for the denial of the license. The application may
2 also be denied for any reason for which a license may be suspended or revoked or not
3 renewed under G.S. 58-71-80(a). ~~Within 30 days after service of the notification, the~~
4 ~~applicant may~~ In order for an applicant to be entitled to a review of the Commissioner's
5 action to determine the reasonableness of the action, the applicant shall make a written
6 demand upon the Commissioner for a review to determine the reasonableness of the
7 Commissioner's action, no later than 30 days after service of the notification upon the
8 applicant. The review shall be completed without undue delay, and the applicant shall
9 be notified promptly in writing as to the outcome of the review. ~~Within 30 days after~~
10 ~~service of the notification as to the outcome, the applicant may~~ In order for an applicant
11 who disagrees with the outcome of the review to be entitled to a hearing under Article
12 3A of Chapter 150B of the General Statutes, the applicant shall make a written demand
13 upon the Commissioner for a hearing under Article 3A of Chapter 150B of the General
14 Statutes if the applicant disagrees with the outcome, no later than 30 days after service of
15 the notification upon the applicant as to the outcome."

16 **SECTION 3.** This act becomes effective October 1, 2005.