

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS75153-LU-41 (02/23)

Short Title: Modernize Bail Bondsman Registration. (Public)

Sponsors: Senator Swindell.

Referred to:

A BILL TO BE ENTITLED

AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN REGISTER THEIR LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-71-140 reads as rewritten:

"§ 58-71-140. **Registration of licenses and power of appointments by insurers.**

(a) ~~No~~Before the date of the notice provided for in subsection (e) of this section, no professional bail bondsman shall become a surety on an undertaking unless he or she has registered his or her current license in the office of the clerk of superior court in the county in which he or she resides and a certified copy of the same with the clerk of superior court in any other county in which he or she shall write bail bonds.

(b) ~~A~~Before the date of the notice provided for in subsection (e) of this section, a surety bondsman shall register his or her current surety bondsman's license and a certified copy of his or her power of appointment with the clerk of superior court in the county in which the surety bondsman resides and with the clerk of superior court in any other county in which the surety bondsman writes bail bonds on behalf of an insurer.

(c) ~~No~~Before the date of the notice provided for in subsection (e) of this section, no runner shall become surety on an undertaking on behalf of a professional bondsman unless that runner has registered his or her current license and a certified copy of his or her power of attorney in the office of the clerk of superior court in the county in which the runner resides and with the clerk of superior court in any other county in which the runner writes bail bonds on behalf of the professional bondsman.

(c1) On or after the date of the notice provided for in subsection (e) of this section, all licensed professional bail bondsmen, surety bondsmen, and runners shall register in the statewide Electronic Bondsman Registry in accordance with subsection (e) of this section.

1 (d) Professional bondsmen, surety bondsmen, and runners shall file with the clerk
2 of court having jurisdiction over the principal an affidavit on a form furnished by the
3 Administrative Office of the Courts. The affidavit shall include, but not be limited to:

- 4 (1) If applicable, a statement that the bondsman has not, nor has anyone
5 for the bondsman's use, been promised or received any collateral,
6 security, or premium for executing this appearance bond.
7 (2) If promised a premium, the amount of the premium promised and the
8 due date.
9 (3) If the bondsman has received a premium, the amount of premium
10 received.
11 (4) If given collateral security, the name of the person from whom it is
12 received and the nature and amount of the collateral security listed in
13 detail.

14 (e) The Commissioner and the Administrative Office of the Courts shall establish
15 a statewide Electronic Bondsmen Registry (Registry) for all licenses, powers of
16 appointment, and powers of attorney requiring registration under this section. When the
17 Registry is established, the Commissioner shall notify all licensed professional
18 bondsmen, surety bondsmen, runners, and qualified insurance companies of the
19 Registry. On or after the date of that notice, a person may register as required under this
20 section by maintaining a record of each required license, power of appointment, or
21 power of attorney in the Registry. After a bondsman, surety bondsman, or runner has
22 completed registration in the Registry, he or she is authorized to execute bail bonds
23 pursuant to his or her registered license, power of appointment, or power of attorney in
24 all counties so long as the registered license, power of appointment, or power of
25 attorney remains in effect."

26 **SECTION 2.** G.S. 15A-544.7 reads as rewritten:

27 "**§ 15A-544.7. Docketing and enforcement of final judgment of forfeiture.**

28 (a) Final Judgment Docketed As Civil Judgment. – When a forfeiture has
29 become a final judgment under this Part, the clerk of superior court, under G.S. 1-234,
30 shall docket the judgment as a civil judgment against the defendant and against each
31 surety named in the judgment.

32 (b) Judgment Lien. – When a final judgment of forfeiture is docketed, the
33 judgment shall become a lien on the real property of the defendant and of each surety
34 named in the judgment, as provided in G.S. 1-234.

35 (c) Execution; Copy to Commissioner of Insurance. – After docketing a final
36 judgment under this section, the clerk shall:

- 37 (1) Issue execution on the judgment against the defendant and against
38 each accommodation bondsman and professional bondsman named in
39 the judgment and shall remit the clear proceeds to the county finance
40 officer as provided in G.S. 115C-452.
41 (2) If an insurance company or professional bondsman is named in the
42 judgment, send the Commissioner of Insurance a ~~copy~~ notice of the
43 judgment, showing the date on which the judgment was docketed.

1 (d) Sureties May Not Execute Bonds in County. – ~~After~~ Before the date of notice
2 of the establishment of the statewide Electronic Bondsman Registry under
3 G.S. 58-71-140(e) and after a final judgment is docketed as provided in this section, no
4 surety named in the judgment shall become a surety on any bail bond in the county in
5 which the judgment is docketed until the judgment is satisfied in full.

6 (e) Consequences For Sureties and Agents. – On or after the date of notice of the
7 establishment of the statewide Electronic Bondsman Registry under G.S. 58-71-140(e)
8 and after a final judgment is docketed pursuant to this section, the following
9 consequences become effective and remain in effect until the judgment is satisfied:

- 10 (1) No accommodation bondsman named in the judgment shall become a
11 surety on any bail bond in the county where the judgment is docketed.
12 (2) No licensed professional bondsman named in the judgment shall
13 become a surety, in person or through any runner, on any bail bond in
14 any county in the State.
15 (3) No bail agent who executed the forfeited bail bond on behalf of an
16 insurance company shall execute a bail bond on behalf of any
17 insurance company in any county in the State.
18 (4) No runner who executed the forfeited bail bond on behalf of a licensed
19 professional bondsman shall execute a bail bond on behalf of any
20 licensed professional bondsman in any county of the State."

21 **SECTION 3.** This act is effective when it becomes law.