

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 846

Short Title: Modernize Bail Bondsman Registration. (Public)

Sponsors: Senators Swindell; Bingham and Thomas.

Referred to: Judiciary II.

March 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT MODERNIZING THE MANNER IN WHICH BAIL BONDSMEN
3 REGISTER THEIR LICENSES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 58-71-140. Registration of licenses and power of appointments by insurers.**

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

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

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

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

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

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

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

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

24 "**§ 15A-544.7. Docketing and enforcement of final judgment of forfeiture.**

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

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

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

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

41 (d) Sureties May Not Execute Bonds in County. – ~~After~~ Before the date of notice
42 of the establishment of the statewide Electronic Bondsman Registry under
43 G.S. 58-71-140(e) and after a final judgment is docketed as provided in this section, no

1 surety named in the judgment shall become a surety on any bail bond in the county in
2 which the judgment is docketed until the judgment is satisfied in full.

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

7 (1) No accommodation bondsman named in the judgment shall become a
8 surety on any bail bond in the county where the judgment is docketed.

9 (2) No licensed professional bondsman named in the judgment shall
10 become a surety, in person or through any runner, on any bail bond in
11 any county in the State.

12 (3) No bail agent who executed the forfeited bail bond on behalf of an
13 insurance company shall execute a bail bond on behalf of any
14 insurance company in any county in the State.

15 (4) No runner who executed the forfeited bail bond on behalf of a licensed
16 professional bondsman shall execute a bail bond on behalf of any
17 licensed professional bondsman in any county of the State."

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