



**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

HOUSE BILL 446: Amend Statutes Governing Bail Bondsmen

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	July 23, 2015
Introduced by:	Reps. Jordan, Wray, R. Turner, Schaffer	Prepared by:	Bill Patterson and Jennifer Bedford
Analysis of:	Second Edition		Committee Counsel

SUMMARY: House Bill 446 amends the law governing bail bondsmen.

CURRENT LAW:

G.S. 58-71-50 outlines the qualifications to be a licensed bail bondsman and runner. In addition to knowledge, residency, education, and other requirements, an applicant must be 18 years or older.

G.S. 58-71-95 outlines prohibited practices for licensed bail bondsmen and runners. A bondsman can accept collateral security or other indemnity from a principal, but the collateral must be reasonable in relation to the amount of the bond and must be returned within 72 hours after final termination of liability on the bond.

G.S. 58-71-151 outlines the authority of the Commissioner of Insurance to hold securities deposited by a bondsman in trust and to return the securities if the Commissioner is satisfied that the bondsman's obligations have been met.

G.S. 58-71-200 authorizes limited access by licensed professional bondsmen, surety bondsmen, and runners to search criminal records maintained by the Administrative Office of the Courts (AOC).

BILL ANALYSIS:

Section 1 amends G.S. 58-71-50 to increase the minimum age to qualify for licensure as a bail bondsman or a runner from 18 to 21 years of age.

Section 2 amends G.S. 58-71-95 to lengthen the time within which a bondsman is required to return collateral after termination of liability on the bond from 72 hours to 15 days.

Section 3 amends G.S. 58-71-151 to provide that in the event of death, permanent incapacitation, or other circumstance resulting in the return of a bondsman's license, the Commissioner would return the portion of the security deposit in excess of that required to secure outstanding bond liability.

Section 4 amends G.S. 58-71-200 to grant bondsmen access to AOC's civil records.

EFFECTIVE DATE: Section 1 is effective when the bill becomes law and applies to applications for licenses filed on or after that date. The remainder of the act is effective when it becomes law.

Brad Krehely, Counsel to the House Judiciary II Committee, contributed substantially to this summary.

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