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SENATE BILL 458
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Short Title: GED HS Diploma/No Drug Convict/Bail Bondsman.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-71-45 reads as rewritten:

"§ 58-71-45. **Terms of licenses.**

A license issued to a bail bondsman or to a runner authorizes the licensee to act in that capacity until the license is suspended or revoked. Upon the suspension or revocation of a license, the licensee shall return the license to the Commissioner. A license of a bail bondsman and a license of a runner shall be renewed ~~on July 1 of each year upon payment of the applicable renewal fee under G.S. 58-71-75.~~ in accordance with G.S. 58-71-75. ~~The Commissioner is not required to print renewal licenses.~~ After notifying the Commissioner in writing, a professional bondsman who employs a runner may cancel ~~the runner's license and the runner's authority to act for the professional bondsman.~~

SECTION 2. G.S. 58-71-50 reads as rewritten:

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

(a) Criminal History Record Check. – Upon receipt of an application ~~An applicant for a license as a bail bondsman or runner shall furnish runner,~~ the Commissioner shall conduct a criminal history record check in accordance with G.S. 58-71-51 to determine whether the applicant meets the requirements for a license as provided in this section. ~~with a complete set of the applicant's fingerprints and a recent passport size full-face photograph of the applicant. The applicant's fingerprints shall be certified by an authorized law enforcement officer. The fingerprints of every applicant shall be forwarded to the State Bureau of Investigation for a search of the applicant's criminal history record file, if any. If warranted, the State Bureau of~~



1 ~~Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a~~
2 ~~national criminal history record check. An applicant shall pay the cost of the State and any~~
3 ~~national criminal history record check of the applicant.~~

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

6 (1) Be 18 years of age or over.

7 (1a) Have obtained a high school diploma or its equivalent.

8 (2) Be a resident of this State.

9 (3) Repealed by Session Laws 1998-211, s. 23, effective November 1, 1998.

10 (4) Have knowledge, training, or experience of sufficient duration and extent to
11 provide the competence necessary to fulfill the responsibilities of a licensee.

12 (5) Have no outstanding bail bond obligations.

13 (6) Have no current or prior violations of any provision of this Article or of
14 Article 26 of Chapter 15A of the General Statutes or of any similar provision
15 of law of any other state.

16 (7) Not have been in any manner disqualified under the laws of this State or any
17 other state to engage in the bail bond business.

18 (8) Hold a valid and current North Carolina drivers license or valid North
19 Carolina identification card issued by the Division of Motor Vehicles.

20 (c) Proof of Residency. – An applicant for a license as a bail bondsman or runner shall
21 provide to the Commissioner at least two of the ~~following~~ documents listed in this subsection
22 as proof of residency in this State. Subject to rules adopted by the Commissioner, an
23 applicant may be required to provide additional documentation. The permissible documents
24 are:

25 (1) A pay stub showing the applicant's residential address in this State.

26 (2) A utility bill showing the applicant's residential address in this State.

27 (3) A written lease agreement or contract for purchase and sale signed by the
28 applicant and for a residence located in this State.

29 (4) A receipt for personal property taxes paid by the applicant to a North
30 Carolina unit of local government.

31 (5) A receipt for real property taxes paid by the applicant to a North Carolina
32 unit of local government.

33 (6) A monthly or quarterly statement showing the applicant's residential address
34 in this State and issued by a financial institution for an account held by the
35 applicant.

36 ~~Subject to rules adopted by the Commissioner, an applicant may be required to provide~~
37 ~~additional documentation as proof of residency in this State."~~

38 **SECTION 3.** Article 71 of Chapter 58 of the General Statutes is amended by
39 adding a new section to read:

40 **"§ 58-71-51. Criminal history record checks.**

41 (a) Authorization. – The Department of Justice may provide a criminal history record
42 check to the Commissioner for a person who has applied to the Commissioner for a new or
43 renewal license as a bail bondsman or runner. The Commissioner shall provide to the
44 Department of Justice, along with the request, the fingerprints of the new or renewal applicant.
45 The applicant shall furnish the Commissioner with a complete set of the applicant's fingerprints
46 in a manner prescribed by the Commissioner. The Department of Justice shall provide a
47 criminal history record check based upon the new or renewal applicant's fingerprints. The
48 Commissioner shall provide any additional information required by the Department of Justice
49 and a form signed by the applicant consenting to the check of the criminal record and to the use
50 of the fingerprints and other identifying information required by the State or national
51 repositories. The new or renewal applicant's fingerprints shall be forwarded to the State Bureau

1 of Investigation for a search of the State's criminal history record file, and the State Bureau of
2 Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a
3 national criminal history check. The Department of Justice may charge each new or renewal
4 applicant a fee for conducting the checks of criminal history records authorized by this
5 subsection.

6 (b) Confidentiality. – The Commissioner shall keep all information obtained pursuant to
7 this section confidential in accordance with applicable State law and federal guidelines, and the
8 information shall not be a public record under Chapter 132 of the General Statutes."

9 **SECTION 4.** G.S. 58-71-75 reads as rewritten:

10 "**§ 58-71-75. Renewal fees. License renewal; criminal history record checks; renewal fees.**

11 (a) Annual Renewal. – A license of a bail bondsman and a license of a runner shall be
12 renewed on July 1 of each year upon payment of the applicable annual renewal fee. In
13 even-numbered years, in addition to paying the annual renewal fee, an applicant seeking
14 renewal must submit an application for renewal in accordance with this section. The
15 Commissioner is not required to print renewal licenses.

16 (b) Renewal Application. – In even-numbered years, a bail bondsman or runner seeking
17 to renew a license shall provide the Commissioner, not less than 30 days prior to the expiration
18 date of the bail bondsman's or runner's current license, all of the following:

19 (1) A renewal application containing all of the following:

20 a. Proof that the applicant is a resident of this State as required by
21 G.S. 58-71-50(c).

22 b. Proof that the applicant meets the qualifications set out in
23 G.S. 58-71-50(b)(5) through G.S. 58-71-50(b)(7).

24 c. The information required by G.S. 58-2-69.

25 (2) The annual renewal fee as provided in subsection (c) of this section.

26 (3) A complete set of fingerprints of the bail bondsman or runner and a fee to
27 cover the cost of conducting the criminal history record check. The
28 fingerprints shall be submitted in the manner prescribed by the
29 Commissioner and shall be certified by an authorized law enforcement
30 officer.

31 (c) Criminal History Record Check. – Upon receipt of a license renewal application in
32 an even-numbered year, the Commissioner shall conduct a criminal history record check of the
33 applicant seeking renewal in accordance with G.S. 58-71-51.

34 (d) Fee. – The renewal fee for a runner's license is sixty dollars (\$60.00). The renewal
35 fee for a bail bondsman's license is one hundred dollars (\$100.00). A renewed license continues
36 in effect until suspended or revoked for cause."

37 **SECTION 5.** G.S. 58-71-80 is amended by adding the following new subsections
38 to read:

39 "(b1) The Commissioner shall revoke or refuse to renew any license under this Article if
40 the licensee has been convicted on or after October 1, 2009, of a misdemeanor drug violation
41 under Article 5 of Chapter 90 of the General Statutes.

42 (b2) The Commissioner shall deny any license under this Article if the applicant has
43 been convicted of a misdemeanor drug violation under Article 5 of Chapter 90 of the General
44 Statutes within the previous 24 months of the date of the application for the license."

45 **SECTION 6.** This act is effective when it becomes law. If this act becomes law,
46 then Sections 12 and 14 of House Bill 1166, 2009 Regular Session, are repealed.