GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

Η

HOUSE BILL 649 Committee Substitute Favorable 5/16/11 PROPOSED SENATE COMMITTEE SUBSTITUTE H649-PCS30389-RV-30

Short Title:	Amend Grounds/License Revocat'n/Bail Bondsman.	(Public)
Sponsors:		
Referred to:		
	April 6, 2011	
	A BILL TO BE ENTITLED	

1	A BILL TO BE ENTITLED
2	AN ACT TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF
3	LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMEN AND
4	ALLOWING A BAIL AGENT ACTING ON BEHALF OF A SURETY COMPANY TO
5	MAKE WRITTEN MOTIONS REGARDING SETTING ASIDE BAIL FORFEITURE
6	AND RELIEF FROM FINAL JUDGMENT OF BAIL FORFEITURE UNDER THE
7	LAWS PERTAINING TO CRIMINAL PROCEDURE.
8	Whereas, the North Carolina Court of Appeals held recently in its unpublished
9	opinion in State v. Cortez, COA10-474, that G.S. 15A-544.5(d)(1) constitutes a jurisdictional
10	limitation on the clerk's authority to grant motions to set aside bond forfeitures under
11	G.S. 15A-544.5(d)(4); and
12	Whereas, contrary to the Court's reasoned interpretation of G.S. 15A-544.5(d), it
13	was not the intent of the General Assembly in S.L. 2000-133 that the description of the content
14	of motions to set aside in G.S. 15A-544.5(d)(1) would constitute a jurisdictional limitation on
15	the clerk's authority to grant such motions; Now, therefore,
16	The General Assembly of North Carolina enacts:
17	SECTION 1. Article 71 of Chapter 58 of the General Statutes is amended by
18	adding a new section to read:
19	"§ 58-71-16. No return of premium; bond reduction.
20	Notwithstanding any other provision of law or rules adopted by the Commissioner under
21	this Article, if, after an agreement has been entered into between a defendant and a surety, the
22	defendant's bond is reduced, the surety shall not be required to return any portion of the
23	premium to the defendant."
24	SECTION 2. G.S. 58-71-80 reads as rewritten:
25	"§ 58-71-80. Grounds for denial, suspension, revocation or refusal to renew
26	licenses.probation, revocation, or nonrenewal of licenses.
27	(a) The Commissioner may deny, <u>place on probation</u> , suspend, revoke, or refuse to
28	renew any license issued under this Article Article, in accordance with the provisions of Article
29	<u>3A of Chapter 150B of the General Statutes, for any one or more of the following causes:</u>
30	
31	(5) Fraudulent-Fraudulent, coercive, or dishonest practices in the conduct of
32	business under the license.or demonstrating incompetence,



D

1 untrustworthiness, or financial irresponsibility in the conduct of business i this State or any other jurisdiction. 3 (6) Conviction of a crime involving dishonesty, breach of trust, or more turpitude. 5 (7) Failure to comply with or violation of the provisions of this Article or of an order, subpoena, rule or regulation of the Commissioner-Commissioner of person with similar regulatory authority in another jurisdiction. 8 9 (14a) 14a) Having any professional license denied, suspended, or revoked in this State or any other jurisdiction for causes substantially similar to those listed in th subsection. 12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction after entry of a final judgment or order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 18 (14d) Failure to pay State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Failure to pay State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Failure to pay State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Failure to pay State income tax or comply with any administrative or cou order finding		General Assemb	oly Of North Carolina	Session 2011
2 this State or any other jurisdiction. 3 (6) Conviction of a crime involving dishonesty, breach of trust, or morn turpitude. 5 (7) Failure to comply with or violation of the provisions of this Article or of an order, subpoena, rule or regulation of the Commissioner Commissioner or person with similar regulatory authority in another jurisdiction. 8 9 (14a) Having any professional license denied, suspended, or revoked in this Stat or any other jurisdiction for causes substantially similar to those listed in th subsection. 11 (14b) Violation of (i) any law governing bail bonding or insurance in this State or any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cou order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 19 order directing payment of state income tax of comply with any administrative or courd order directing payment of state income tax or comply with any administration. 22 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24	1		untrustworthiness, or financial irresponsibility in the condu	act of business in
 (6) Conviction of a crime involving <u>dishonesty, breach of trust, or</u> more turpitude. (7) Failure to comply with or violation of the provisions of this Article or of an order, <u>subpoena</u>, rule or regulation of the <u>Commissioner Commissioner (person with similar regulatory authority in another jurisdiction.</u> (14a) Having any professional license denied, suspended, or revoked in this State or any other jurisdiction for causes substantially similar to those listed in th subsection. (14b) Violation of (i) any law governing bail bonding or insurance in this State or any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. (14d) Failure to pay State income tax or comply with any administrative or cour order finding the violation to have been willful. (14d) Forging another's name to any document related to a bail bond transaction" "\$ 58-71-82. Dual license holding. If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nornerewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall the commissioner is a member and (i) furnished by an insurer or an employee or age therefore acting on behalf of the insurer under this section or (ii) obtained by the Commissioner is a member and (ii) furnished by an insurer or an employee or age therefor acting on behalf of the insurer under this section or (ii) and industry sillar to the commissioner is a member and (i) furnished by an insurer or an employee or age therefor acting on behalf of the insurer under th				
5 (7) Failure to comply with or violation of the provisions of this Article or of an order, subpoena, rule or regulation of the Commissioner.Commissioner of person with similar regulatory authority in another jurisdiction. 8 9 (14a) Having any professional license denied, suspended, or revoked in this Stat or any other jurisdiction for causes substantially similar to those listed in th subsection. 11 subsection. 12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding the violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cou order directing payment of State income tax after entry of a final judgmen or order finding the violation to have been willful. 19 Order directing payment of State income tax after entry of a final judgmen or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction" 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 *§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license fo	3	(6)		<u>trust, or</u> moral
6 order, subpoena, rule or regulation of the Commissioner-Commissioner of person with similar regulatory authority in another jurisdiction. 8	4		turpitude.	
7 person with similar regulatory authority in another jurisdiction. 8 9 (14a) Having any professional license denied, suspended, or revoked in this Stat or any other jurisdiction for causes substantially similar to those listed in th subsection. 12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cou order directing payment of State income tax after entry of a final judgmen or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall for construed to prohibit a person from simultaneously holding a professional bondsman's licens and a runner's license." 35 SECTION 4. G.S. 58-	5	(7)	Failure to comply with or violation of the provisions of this	Article or of any
 Having any professional license denied, suspended, or revoked in this Stat or any other jurisdiction for causes substantially similar to those listed in th subsection. (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. (14d) Failure to pay State income tax or comply with any administrative or cou order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. (14e) Forging another's name to any document related to a bail bond transaction. 				
 9 (14a) Having any professional license denied, suspended, or revoked in this Stat or any other jurisdiction for causes substantially similar to those listed in th subsection. 12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cour order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 11 (14e) Forging another's name to any document related to a bail bond transaction. 22" 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall b construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." 26 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 27 (c) Notwithstanding any other provision of the Commissioner or an employee or ager thereof acting on behalf of the insurer under this section or (ii) obtained by the Commission in an investigation under this section shall be confidential by law and privileged, shall not the considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not thereof acting on behalf of the ins			person with similar regulatory authority in another jurisdict	ion.
10 or any other jurisdiction for causes substantially similar to those listed in th 11 subsection. 12 (14b) 13 any other jurisdiction or (ii) any rule of the Financial Industry Regulator 14 Authority (FINRA). 15 (14c) 16 Failure to comply with an administrative order or court order imposing 17 violation to have been willful. 18 (14d) 19 Failure to pay State income tax or comply with any administrative or cou 19 order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Foring another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret 26 bondsman's license simultaneously, they are considered one license for the purpose of 26 disciplinary actions involving suspension, revocation, or nonrenewal under this Article shall b 27 construed to prohibit a person from simultaneously holding a new subsection to read: <td></td> <td></td> <td></td> <td></td>				
11 subsection. 12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cour order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 20 0 Order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "\$ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall to construed to prohibit a person from simultaneously holding a professional bondsman's licens and a runner's license." 25 Otter information in the control or posse		<u>(14a)</u>		
12 (14b) Violation of (i) any law governing bail bonding or insurance in this State of any other jurisdiction or (ii) any rule of the Financial Industry Regulator Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding the violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cour order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 11 (14e) Forging another's name to any document related to a bail bond transaction. 12 " 13 SECTION 3. G.S. 58-71-82 reads as rewritten: 14 Separate renewal fees must be paid for each license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall b construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." 16 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 17 "(c) Notwithstanding any other provision of this Article, any documents, materials, of other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or ager thereof acting on behalf of the insurer under this section or				hose listed in this
13 any other jurisdiction or (ii) any rule of the Financial Industry Regulator 14 Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing 16 child support obligation after entry of a final judgment or order finding th 17 violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cou 19 order directing payment of State income tax after entry of a final judgment 20 or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "\$ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret 26 bondsman's license simultaneously, they are considered one license for the purpose of 26 cisciplinary actions involving suspension, revocation, or nonrenewal under this Article shall to 27 " 28 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 29 construed to prohibit a person from simultaneously holding a new subsection to read:		<i>(</i> 1 1)		
14 Authority (FINRA). 15 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding th violation to have been willful. 17 violation to have been willful. 18 (14d) Failure to pay State income tax or comply with any administrative or cour order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 19 or order finding the violation to have been willful. 20 or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " SECTION 3. G.S. 58-71-82 reads as rewritten: 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 fa individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article shall the construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." 23 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 26 Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or an organization or cl		<u>(14b)</u>		
 (14c) Failure to comply with an administrative order or court order imposing child support obligation after entry of a final judgment or order finding the violation to have been willful. (14d) Failure to pay State income tax or comply with any administrative or courd order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bondsman's license and a runner's license. (15e) Separate renewal fees must be paid for each license, however. Nothing in this Article shall to construed to prohibit a person from simultaneously holdi				lustry Regulatory
16 child support obligation after entry of a final judgment or order finding th 17 violation to have been willful. 18 (14d) 19 order directing payment of State income tax after entry of a final judgment 20 order directing payment of State income tax after entry of a final judgment 21 (14e) 22 Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "\$ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret 26 bondsman's license simultaneously, they are considered one license for the purpose of 26 disciplinary actions involving suspension, revocation, or nonrenewal under this Article 29 construed to prohibit a person from simultaneously holding a professional bondsman's license 20 other information in the control or possession of this Article, any documents, materials, or 20 other information in the control or possession of the Commissioner or an employee or agent 21 "(c) Notwithstanding any other provision of this Article, any documents, materials, or 23 other information in the control or possession of		(1.1)		1 · ·
 violation to have been willful. (14d) Failure to pay State income tax or comply with any administrative or cound order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (14e) Forging another's name to any document related to a bail bond transaction. (15e) State transmitter is the paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a new subsection to read: (12e) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be conf		<u>(14c)</u>		
18 (14d) Failure to pay State income tax or comply with any administrative or cound order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 20 (14e) Forging another's name to any document related to a bail bond transaction. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "\$ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." 25 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 26 Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization or which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the Gen				order finding the
19 order directing payment of State income tax after entry of a final judgment or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret 26 bondsman's license simultaneously, they are considered one license for the purpose or 27 disciplinary actions involving suspension, revocation, or nonrenewal under this Article 28 Separate renewal fees must be paid for each license, however. Nothing in this Article shall be 29 construed to prohibit a person from simultaneously holding a professional bondsman's licens 30 and a runner's license." 31 SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: 32 "(c) Notwithstanding any other provision of this Article, any documents, materials, or 33 other information in the control or possession of the Commissioner or any organization or 34 which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner 35 thereof		(14d)		nistrativa or court
20 or order finding the violation to have been willful. 21 (14e) Forging another's name to any document related to a bail bond transaction. 22 " 23 SECTION 3. G.S. 58-71-82 reads as rewritten: 24 "§ 58-71-82. Dual license holding. 25 If an individual holds a professional bondsman's license or a runner's license and a suret 26 bondsman's license simultaneously, they are considered one license for the purpose of 27 disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall be 26 construed to prohibit a person from simultaneously holding a professional bondsman's license 27 Mathematical to prohibit a person from simultaneously holding a new subsection to read: 27 "(c) Notwithstanding any other provision of this Article, any documents, materials, or 28 other information in the control or possession of the Commissioner or any organization or 29 which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner 29 considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to di		<u>(14u)</u>		
 (14e) Forging another's name to any document related to a bail bond transaction. " SECTION 3. G.S. 58-71-82 reads as rewritten: "\$ 58-71-82. Dual license holding. If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization or which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information relate. However, the Commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 				<u>a miai juugment</u>
 SECTION 3. G.S. 58-71-82 reads as rewritten: "§ 58-71-82. Dual license holding. If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall b construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, o other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, material, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 		(1/e)	•	nd transaction
 SECTION 3. G.S. 58-71-82 reads as rewritten: "§ 58-71-82. Dual license holding. If an individual holds a professional bondsman's license or a runner's license and a suret bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall b construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization or which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not b considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information relate. However, the Commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 		<u>(1+C)</u> "	rorging another's name to any document related to a ban be	
 ²⁴ "\$ 58-71-82. Dual license holding. ²⁵ If an individual holds a professional bondsman's license or a runner's license and a suret ²⁶ bondsman's license simultaneously, they are considered one license for the purpose of ²⁷ disciplinary actions involving suspension, revocation, or nonrenewal under this Article ²⁸ Separate renewal fees must be paid for each license, however. Nothing in this Article shall b ²⁹ construed to prohibit a person from simultaneously holding a professional bondsman's license ²¹ SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: ²² "(c) Notwithstanding any other provision of this Article, any documents, materials, or ²³ other information in the control or possession of the Commissioner or an employee or ager ²⁴ thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner ²⁵ thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner ²⁶ for the subject to subpoena, and shall not be subject to discovery in any civil action other than ²⁷ proceeding brought by the Commissioner may use the documents, materials, or ²⁸ other information in the furtherance of any regulatory or legal action brought as a part of the ²⁹ commissioner's duties. Neither the Commissioner nor any person who receives document 		SECT	TION 3. G.S. 58-71-82 reads as rewritten:	
If an individual holds a professional bondsman's license or a runner's license and a sured bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall b construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agen thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document				
 bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or ager thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information relate. However, the Commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 			8	ense and a surety
 disciplinary actions involving suspension, revocation, or nonrenewal under this Article Separate renewal fees must be paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 			1	•
 Separate renewal fees must be paid for each license, however. Nothing in this Article shall be construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 				
 construed to prohibit a person from simultaneously holding a professional bondsman's license and a runner's license." SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, or other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document 	28	- ·		
SECTION 4. G.S. 58-71-115 is amended by adding a new subsection to read: "(c) Notwithstanding any other provision of this Article, any documents, materials, of other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, materials, of other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document	29	construed to proh	nibit a person from simultaneously holding a professional bo	ondsman's license
32 "(c) Notwithstanding any other provision of this Article, any documents, materials, of 33 other information in the control or possession of the Commissioner or any organization of 34 which the Commissioner is a member and (i) furnished by an insurer or an employee or agen 35 thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner 36 in an investigation under this section shall be confidential by law and privileged, shall not be 37 considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not 38 be subject to subpoena, and shall not be subject to discovery in any civil action other than 39 proceeding brought by the Commissioner against a person to whom the documents, material 40 or other information relate. However, the Commissioner may use the documents, materials, of 41 other information in the furtherance of any regulatory or legal action brought as a part of the 42 Commissioner's duties. Neither the Commissioner nor any person who receives document	30	and a runner's lice	ense."	
other information in the control or possession of the Commissioner or any organization of which the Commissioner is a member and (i) furnished by an insurer or an employee or agent thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, material or other information relate. However, the Commissioner may use the documents, materials, of other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document	31	SECT	FION 4. G.S. 58-71-115 is amended by adding a new subsect	tion to read:
34 which the Commissioner is a member and (i) furnished by an insurer or an employee or ager 35 thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioner 36 in an investigation under this section shall be confidential by law and privileged, shall not be 37 considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not 38 be subject to subpoena, and shall not be subject to discovery in any civil action other than 39 proceeding brought by the Commissioner against a person to whom the documents, material 40 or other information relate. However, the Commissioner may use the documents, materials, of 41 other information in the furtherance of any regulatory or legal action brought as a part of the 42 Commissioner's duties. Neither the Commissioner nor any person who receives document		" <u>(c)</u> Notwi	ithstanding any other provision of this Article, any docume	ents, materials, or
thereof acting on behalf of the insurer under this section or (ii) obtained by the Commissioned in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, material or other information relate. However, the Commissioner may use the documents, materials, of other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document				
in an investigation under this section shall be confidential by law and privileged, shall not be considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, material or other information relate. However, the Commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document				
37 considered public records under G.S. 58-2-100 or Chapter 132 of the General Statutes, shall not 38 be subject to subpoena, and shall not be subject to discovery in any civil action other than 39 proceeding brought by the Commissioner against a person to whom the documents, material 40 or other information relate. However, the Commissioner may use the documents, materials, or 41 other information in the furtherance of any regulatory or legal action brought as a part of the 42 Commissioner's duties. Neither the Commissioner nor any person who receives document				
be subject to subpoena, and shall not be subject to discovery in any civil action other than proceeding brought by the Commissioner against a person to whom the documents, material or other information relate. However, the Commissioner may use the documents, materials, o other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's duties. Neither the Commissioner nor any person who receives document		-		-
39 proceeding brought by the Commissioner against a person to whom the documents, material 40 or other information relate. However, the Commissioner may use the documents, materials, or 41 other information in the furtherance of any regulatory or legal action brought as a part of the 42 Commissioner's duties. Neither the Commissioner nor any person who receives document				
 40 or other information relate. However, the Commissioner may use the documents, materials, of 41 other information in the furtherance of any regulatory or legal action brought as a part of the 42 Commissioner's duties. Neither the Commissioner nor any person who receives document 				
 41 other information in the furtherance of any regulatory or legal action brought as a part of th 42 Commissioner's duties. Neither the Commissioner nor any person who receives document 				
42 Commissioner's duties. Neither the Commissioner nor any person who receives document			•	
				-
42 materials on other information while eating under the outherity of the Commissioner shall h				
43 <u>materials, or other information while acting under the authority of the Commissioner shall b</u> 44 permitted or required to testify in any civil action other than a proceeding brought by th				
 44 permitted or required to testify in any civil action other than a proceeding brought by th 45 Commissioner against a person to whom the documents, materials, or other information relate. 				
45 <u>SECTION 5.</u> Article 71 of Chapter 58 of the General Statutes is amended b				
40 adding a new section to read:			1	is is anonucu by
 48 "§ 58-71-122. Transfer of business by bail bondsman. 		U		
49 A licensed professional bondsman may contract to transfer, convey, or assign th				v. or assign the
50 professional bondsman's business to another professional bondsman licensed under this Article		-	÷ • •	

General Assembly Of North Carolina

1	outstanding bail bond obligations and shall be filed with the Commissioner. The contract shall
2	allow for the transferring professional bondsman to transfer, convey, or assign assets to the
3	purchasing professional bondsman that include, but are not limited to, any pledged cash or any
4	pledged approved securities with the Commissioner as security for bail bonds. Notwithstanding
5	the filing of the contract with the Commissioner, the transferor remains responsible for all
6	outstanding bond obligations until relieved from an individual obligation pursuant to
7	G.S. 15A-534(h), by a substitution of surety pursuant to G.S. 15A-538, or satisfaction of any
8	final judgment of forfeiture entered thereon."
9	SECTION 6. G.S. 15A-544.5(d)(1) reads as rewritten:
10	"(1) At any time before the expiration of 150 days after the date on which notice
11	was given under G.S. 15A-544.4, the defendant or any surety any of the
12	following parties on a bail bond may make a written motion that the
13	forfeiture be set aside, stating the reason and attaching the evidence specified
14	in subsection (b) of this section. aside:
15	a. The defendant.
16	b. <u>Any surety.</u>
17	c. A professional bondsman or a runner acting on behalf of a
18	professional bondsman.
19	d. <u>A bail agent acting on behalf of an insurance company.</u>
20	The written motion shall state the reason for the motion and attach to the
21	motion the evidence specified in subsection (b) of this section."
22	SECTION 7. G.S. 15A-544.5(d)(4) reads as rewritten:
23	"(4) If neither the district attorney nor the board of education has filed a written
24	objection to the motion by the twentieth day after the motion is served, the
25	clerk shall enter an order setting aside the forfeiture.forfeiture, regardless of
26	the basis for relief asserted in the motion, the evidence attached, or the
27	absence of either."
28	SECTION 8. G.S. $15A-544.8(c)(1)$ reads as rewritten:
29	"(1) At any time before the expiration of three years after the date on which a
30	judgment of forfeiture became final, the defendant or any surety any of the
31	following parties named in the judgment may make a written motion for
32	relief under this section, stating the reasons and setting forth the evidence in
33	support of each reason.section:
34	<u>a.</u> <u>The defendant.</u>
35	b. <u>Any surety.</u>
36	c. <u>A professional bondsman or a runner acting on behalf of a</u>
37	professional bondsman.
38	d. <u>A bail agent acting on behalf of an insurance company.</u>
39	The written motion shall state the reasons for the motion and set forth the
40	evidence in support of each reason."
41	SECTION 9. Sections 6 and 8 of this act become effective December 1, 2011. The
42	remainder of this act is effective when it becomes law.