

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 1076
SENATE BILL 485

AN ACT TO REWRITE CHAPTER 210 OF THE 1943 SESSION LAWS RELATING
TO PROFESSIONAL BONDSMEN IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 210 of the 1943 Session Laws is hereby rewritten as follows:

"Section 1. Every person, firm, association or corporation, who shall engage in the business of signing, executing, and becoming surety on appearance bonds in any court in Wayne County for a fee or compensation and any person or persons employed by such person, firm, association or corporation in such business shall apply for and obtain from the County of Wayne, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Wayne County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year.

"Sec. 2. Every person, firm, association or corporation, who shall engage in the business of signing, endorsing, executing or becoming surety on appearance bonds, or who shall pledge or deposit any cash, checks, or other security of any nature in lieu of any appearance bond, in any court in Wayne County for a fee or compensation, and any person or persons employed by such person, firm, association or corporation in any such connection, or any other person who is delegated any power or authority in connection with such bonds by such person, firm, association or corporation, shall, before engaging in such activities make application to and file with the Board of Commissioners of Wayne County a detailed financial statement showing the assets of such person, firm, association or corporation, their agents, employees, and any other person to whom any such power or authority is delegated, and such other proof as shall be necessary to show the board of commissioners that the applicant is financially responsible and is of good moral character. The Board of Commissioners of Wayne County is authorized to require such additional proof of the financial responsibility and moral character of the applicant as shall in the discretion of the board be necessary to determine the qualifications of said applicant, its employees and agents, and any other person to whom the applicant

delegates any powers or authority, and the ability of the applicant to perform the Services for which the license is required. The Board of Commissioners of Wayne County shall not issue the license provided in this Act, unless said board is satisfied from an affirmative showing made by the applicant that said applicant is a person of good moral character, is financially able to engage in such activities and otherwise qualified to perform the services for which the license is sought, and said board shall be the sole judge as to whether an applicant is a person of good moral character and financial responsibility for the purpose of being licensed under this Act.

"Sec. 3. Every person, firm, association or corporation, who is engaged in the business of signing, endorsing, executing or becoming surety on appearance bonds, or who shall pledge or deposit any cash, check or other security of any nature in lieu of any appearance bonds, in any court in Wayne County for a fee shall file a quarterly report in writing with the Board of Commissioners of Wayne County showing the name of each individual bonded, the amount of the bond, the court in which the bond is returnable, and the fee charged for the bonding service in each instance. Copies of this report shall be delivered by such person, firm, association or corporation, to the Clerk of Superior Court of Wayne County.

"Sec. 4. In addition to the privilege license provided for in Section 1 of this Act, every person, firm, association or corporation, who shall engage in the business of signing, endorsing, executing or becoming surety on appearance bonds, or who shall pledge or deposit any cash, check, or other security of any nature in lieu of any appearance bond, in any court in Wayne County for a fee or compensation, shall, as a condition precedent to engaging in any such business or activity, deposit with the Clerk of Superior Court of Wayne County not less than seven thousand five hundred dollars (\$7,500.00) in cash or negotiable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of Superior Court of Wayne County, that such cash or negotiable securities shall, at all times, be available for the purpose of the payment of any bond signed by such person, firm, association or corporation, which has been declared by the court to be forfeited. The agreement shall further provide that if the amount of any bond posted by such person, firm, association or corporation is forfeited by a court of competent jurisdiction and remains unsatisfied for ten days after the date of its forfeiture, the Clerk of Superior Court of Wayne County shall be authorized, empowered, and directed to satisfy the bond so forfeited out of the deposit made with the clerk, provided, that for good cause shown the clerk may extend the time before satisfying the bond out of said deposit. If the amount of such forfeited bond is not paid within ten days from the date of forfeiture, or extended time granted by the clerk, the Clerk of Superior Court of Wayne County is authorized to apply the amount of the forfeiture out of the said deposit and the person, firm, association or corporation, whose deposit is thus reduced, shall immediately upon notice by the Clerk of Superior Court of Wayne County, deposit an additional sum with the Clerk of Superior Court of Wayne County in order that the deposit shall always be at least the sum of seven thousand five hundred dollars (\$7,500.00), either in cash or negotiable securities. No person, firm, association or corporation shall sign, endorse, execute or become surety on any additional appearance bonds, or pledge or deposit any cash, check, or other security of

any nature in lieu of an appearance bond, in any court in Wayne County until such time as an additional deposit sufficient to re-establish a total deposit of seven thousand five hundred dollars (\$7,500.00), exclusive of any amounts so forfeited, has been made with the Clerk of Superior Court of Wayne County.

"Sec. 5. No person, firm, association or corporation, who shall execute or become surety upon any appearance bond in any court in Wayne County, shall charge as a fee therefor, and for all services in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, provided that where the amount of the bond is two hundred dollars (\$200.00) or less, a fee not to exceed ten per cent (10%) of the amount of the bond may be charged.

"Sec. 6. No person, firm, association or corporation, who engages in the business defined in Section 1 of this Act shall:

Suggest or advise the employment of or name for employment any particular attorney to represent his principal.

Pay a fee or rebate or give or promise anything of value to a jailer, policeman, peace officer, committing magistrate, or any other person who has power to arrest or hold in custody; or to any public official or public employee in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof.

Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of an action on a bond.

Pay a fee or rebate or give anything of value to the principal or anyone in his behalf.

Participate in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

Accept anything of value from a principal except the premium, provided that the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond.

Solicit business in or about any place where prisoners are confined.

"Sec. 7. The following persons or classes shall not be eligible to be licensed under this Act and shall not directly or indirectly receive any benefits from the execution of any bail bond: Jailers, police officers, committing magistrates, justices of the peace, municipal or magistrate court judges, sheriffs, and constables, any person having the power to arrest or having anything to do with the control of Federal, State, county or municipal prisoners.

"Sec. 8. No licensed attorney, or his wife, child, or member of his household shall become surety on any appearance bond in a criminal action instituted or pending in any court in Wayne County in which such attorney appears.

"Sec. 9. Any person, firm, association or corporation, who shall engage in the business defined in Section 1 of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or

imprisoned in the discretion of the court, and conviction under this Act shall carry with it revocation of the license provided for herein."

Sec. 2. This Act shall not apply to bail bondsmen licensed under Chapter 85-A of the General Statutes of North Carolina.

Sec. 3. This Act shall apply to Wayne County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1965.

In the General Assembly read three times and ratified, this the 16th day of June, 1965.