

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 721
SENATE BILL 338

AN ACT TO RAISE MISCELLANEOUS FEES COLLECTED BY THE
DEPARTMENT OF INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-27-10 reads as rewritten:

"§ 58-27-10. Licenses.

Any domestic land mortgage company, or title insurance company, wishing to do business under the provisions of this Article upon making written application and submitting proof satisfactory to the Commissioner of Insurance that its business, capital and other qualifications comply with the provisions of this Article, upon paying to the ~~Commissioner of Insurance, Commissioner,~~ the sum of ~~two hundred dollars (\$200.00)~~ five hundred dollars (\$500.00) as a license fee and all other fees assessed against such company may be licensed to do business in this State under the provisions of this Article until the first day of the following July, and may have its license renewed for each year thereafter so long as it complies with the provisions of this Article and such ~~rules and regulations as may be promulgated~~ adopted by the ~~Commissioner of Insurance, Commissioner.~~ For each such renewal such company shall pay to the ~~Commissioner of Insurance~~ the sum of ~~two hundred dollars (\$200.00),~~ five hundred dollars (\$500.00), and all other fees assessed against such company and such renewal shall continue in force and effect until a new license be issued or specifically refused, unless revoked for good cause. The ~~Commissioner of Insurance, Commissioner,~~ or any person appointed by him, shall have the power and authority to make such rules and regulations and examinations not inconsistent with the provisions of this Article, as may be in his discretion necessary or proper to enforce the provisions hereof and secure compliance with the terms of this Article. For any examination made hereunder the ~~Commissioner of Insurance~~ shall charge the land mortgage companies or title insurance companies examined with the actual expense of such examination."

Sec. 2. G.S. 58-69-10 reads as rewritten:

"§ 58-69-10. Applications for licenses; fees; bonds or deposits.

Licenses hereunder shall be obtained by filing written application therefor with the Commissioner in such form and manner as the Commissioner shall require. As a prerequisite to issuance of a license:

- (1) The applicant shall furnish to the Commissioner such data and information as the Commissioner may deem reasonably necessary to enable him to determine, in accordance with the provisions of G.S. 58-69-15, whether or not a license should be issued to the applicant.

- (2) If the applicant is a motor club it shall be required to pay to the Commissioner ~~an a nonrefundable annual license fee of two hundred dollars (\$200.00)~~ three hundred dollars (\$300.00) and to deposit or file with the Commissioner a bond, in favor of the State of North Carolina and executed by a surety company duly authorized to transact business in this State, in the amount of fifty thousand dollars (\$50,000), or securities of the type hereinafter specified in the amount of fifty thousand dollars (\$50,000), pledged to or made payable to the State of North Carolina and conditioned upon the full compliance by the applicant with the provisions of this Article and the regulations and orders issued by the Commissioner pursuant thereto, and upon the good faith performance by the applicant of its contracts for motor club services.
- (3) If the applicant is a branch or district office of a motor club licensed under this Article it shall pay to the Commissioner a nonrefundable license fee of twenty dollars (\$20.00) ~~five dollars (\$50.00)~~.
- (4) If the applicant is a franchise motor club it shall pay to the Commissioner ~~an a nonrefundable annual license fee of fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) and shall deposit or file with the Commissioner a bond, in favor of the State of North Carolina and executed by a surety company duly authorized to transact business in this State, in the amount of fifty thousand dollars (\$50,000), or securities of the type hereinafter specified in the amount of fifty thousand dollars (\$50,000), pledged to or made payable to the State of North Carolina and conditioned upon the full compliance by the applicant with the provisions of this Article and the regulations and orders issued by the Commissioner pursuant thereto and upon the good faith performance by the applicant of its contracts for motor club services.
- (5) Any applicant depositing securities under this section shall do so in the form and manner as prescribed in Article 5 of this Chapter, and the provisions of Article 5 of this Chapter, shall be applicable to securities pledged under this Article."

Sec. 3. G.S. 58-70-35 reads as rewritten:

"§ 58-70-35. Application fee; issuance of permit; contents and duration.

(a) Upon the filing of the application and information ~~hereinbefore required, required by this Article, the Commissioner may require the applicant to~~ shall pay a nonrefundable fee of five hundred dollars (\$500.00), and no permit may be issued until this fee is paid. ~~If the application is denied, the Commissioner shall retain fifty dollars (\$50.00) of the application fee and return the remainder to the applicant. The fifty dollars (\$50.00) so retained upon applications not granted, and the full fee of five hundred dollars (\$500.00) upon the applications granted, Fees collected under this subsection shall be used in paying the expenses incurred in connection with the consideration of such applications and the issuance of such permits.~~

(b) Each permit shall state the name of the applicant, his place of business, and the nature and kind of business in which he is engaged. The Commissioner shall assign to the permit a serial number for each year, and each permit shall be for a period of one year, beginning with July 1 and ending with June 30 of the following year.

(c) A permit is assignable or transferable only if the assignee or transferee qualifies under the provisions of this Article. Upon any change in ownership of a permittee, if a sole proprietorship or partnership, or upon a change in ownership of more than fifty percent (50%) of the shares or voting rights of a corporate permittee, a permit issued to a permittee is void unless within 30 days of the change of ownership the new owner or owners have satisfied the Commissioner that he or they qualify for a permit under this Article, and he or they maintain a bond in accordance with and in the amount required for a renewal bond under G.S. 58-70-20."

Sec. 4. G.S. 58-71-55 reads as rewritten:

"§ 58-71-55. License fees.

A nonrefundable license fee of ~~sixty dollars (\$60.00)~~ one hundred dollars (\$100.00) shall be paid to the Commissioner with each application for license as a professional bondsman and a license fee of ~~twenty dollars (\$20.00)~~ sixty dollars (\$60.00) shall be paid to the Commissioner with each application for license as a runner."

Sec. 5. G.S. 58-71-70 reads as rewritten:

"§ 58-71-70. Examination; fees.

Except as hereinafter provided, an applicant for license to be a professional bondsman or runner shall be required to appear in person and take a written examination prepared by the Commissioner testing his ability and qualifications. Each applicant shall become eligible for examination 30 days after the date the application is received by the Commissioner. Examinations shall be held at such time and place as designated by the Commissioner, and the applicant shall be given notice of such time and place not less than 15 days prior to taking the examination. The fee for such examination shall be ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) for professional bondsmen and ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) for runners. These examination fees are nonrefundable. The failure of an applicant to pass an examination shall not preclude him from taking subsequent examinations; provided, however, that at least one year must intervene between examinations.

~~No person shall be required to submit to examination to obtain license as a professional bondsman if he is now licensed by the Commissioner of Insurance or the Secretary of Revenue and is performing the functions of a bondsman on the taking effect of this Article, and no person shall be required to submit to examination to obtain license as a runner if he is performing the functions of a runner on the taking effect of this Article."~~

Sec. 6. G.S. 58-71-75 reads as rewritten:

"§ 58-71-75. Renewal of licenses; fees.

A renewal license shall be issued by the Commissioner to a licensee who has continuously maintained his license in effect without further examination upon the payment of a renewal fee of ~~ten dollars (\$10.00)~~ sixty dollars (\$60.00) in case of runners and ~~thirty dollars (\$30.00)~~ one hundred dollars (\$100.00) in case of professional

bondsmen, but such licensees shall in all other respects be required to comply with and be subject to the provisions of this Article. After the receipt of such licensee's application for renewal, the current license shall continue in effect until the renewal license is issued or denied for cause."

Sec. 7. G.S. 58-33-125(c) reads as rewritten:

"(c) Any person not registered who is required by law or administrative rule to secure a license shall, upon application for registration, pay to the Commissioner a fee of thirty dollars (\$30.00). In the event additional licensing for other kinds of insurance is requested, a fee of ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) shall be paid to the Commissioner upon application for registration for each additional kind of insurance.

In addition to the fees prescribed by this subsection, any person applying for a supplemental license to sell Medicare supplement and long-term care insurance policies shall pay an additional fee of ~~fifteen dollars (\$15.00)~~ thirty dollars (\$30.00) upon application for registration for those kinds of insurance."

Sec. 8. This act is effective upon ratification, and the fees generated herein shall be deposited in the General Fund.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives