

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 707  
Judiciary I Committee Substitute Adopted 4/6/05

Short Title: Agent/Bail Bonds Applicant Petition Deadline.

(Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE THIRTY-DAY DEADLINES IMPOSED UPON AGENTS AND BAIL BONDSMEN SEEKING INTERNAL ADMINISTRATIVE REVIEW OF A DENIAL OF LICENSURE AND SUBSEQUENTLY SEEKING A HEARING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES ARE MANDATORY, NOT OPTIONAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 58-33-30(g) reads as rewritten:

"(g) Denial of License. – If the Commissioner finds that the applicant has not fully met the requirements for licensing, ~~he the Commissioner~~ shall refuse to issue the license and shall notify in writing the applicant and the appointing insurer, if any, of ~~such the~~ denial, stating the grounds ~~therefor.~~ for the denial. The application may also be denied for any reason for which a license may be suspended or revoked or not renewed under G.S. 58-33-46. ~~Within 30 days after service of the notification, the applicant may~~ In order for an applicant to be entitled to a review of the Commissioner's action to determine the reasonableness of the action, the applicant must make a written demand upon the Commissioner for a review to determine the reasonableness of the Commissioner's action. no later than 30 days after service of the notification upon the applicant. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing ~~as to the~~ of the outcome of the review. ~~Within 30 days after service of the notification as to the outcome, the applicant may~~ In order for an applicant who disagrees with the outcome of the review to be entitled to a hearing under Article 3A of Chapter 150B of the General Statutes, the applicant must make a written demand upon the Commissioner for a hearing under Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the outcome. no later than 30 days after service upon the applicant of the notification of the outcome."

**SECTION 2.** G.S. 58-71-85(b) reads as rewritten:

"(b) Whenever the Commissioner denies an initial application for a license or an application for a reissuance of a license, ~~he the Commissioner~~ shall notify the applicant

1 and advise, in writing, the applicant of the reasons for the denial of the license. The  
2 application may also be denied for any reason for which a license may be suspended or  
3 revoked or not renewed under G.S. 58-71-80(a). ~~Within 30 days after service of the~~  
4 ~~notification, the applicant may~~ In order for an applicant to be entitled to a review of the  
5 Commissioner's action to determine the reasonableness of the action, the applicant must  
6 make a written demand upon the Commissioner for a review to determine the  
7 reasonableness of the Commissioner's action, no later than 30 days after service of the  
8 notification upon the applicant. The review shall be completed without undue delay,  
9 and the applicant shall be notified promptly in writing ~~as to~~ of the outcome of the  
10 review. ~~Within 30 days after service of the notification as to the outcome, the applicant~~  
11 ~~may~~ In order for an applicant who disagrees with the outcome of the review to be  
12 entitled to a hearing under Article 3A of Chapter 150B of the General Statutes, the  
13 applicant must make a written demand upon the Commissioner for a hearing under  
14 Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the  
15 outcome, no later than 30 days after service upon the applicant of the notification of the  
16 outcome."

17 **SECTION 3.** This act becomes effective October 1, 2005. This act applies  
18 to all notices of applications denied by the Commissioner served on or after that date  
19 and to all notices of review outcomes served on or after that date.