

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS15147-LT-86 (3/16)

Short Title: Agent/Bail Bonds Applicant Petition Deadline.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

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 DISCRETIONARY.

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 shall refuse to issue the license and shall notify in writing the applicant and the appointing insurer, if any, of such denial, stating the grounds therefor. 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 shall 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 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 shall 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 of the notification upon the applicant as to the outcome."

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

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

18 **SECTION 3.** This act becomes effective October 1, 2005.