

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1056

Short Title: Require Firearms Certification/Bail Bondsman.

(Public)

Sponsors: Senator Shaw.

Referred to: Judiciary I.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING A BAIL BONDSMAN TO OBTAIN A FIREARMS REGISTRATION PERMIT AND FIREARMS TRAINING AND MAINTAIN LIABILITY INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 71 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-71-51. Armed licensee required to have firearm registration permit; firearms training; liability insurance.

(a) It shall be unlawful for any person acting as a bail bondsman to carry a firearm in the performance of his or her duties as an armed bail bondsman without first having met the qualifications of this section and having been issued a firearm registration permit by the Commissioner. For purposes of this section, an 'armed bail bondsman' is a bail bondsman licensed under this Article who, at any time, wears, carries, or possesses a firearm in the performance of duty.

(b) The applicant for a firearm registration permit shall submit an application to the Commissioner on a form provided by the Commissioner.

(c) Each firearm registration permit issued under this section to an armed bail bondsman shall be in the form of a pocket card designed by the Commissioner and shall identify the name of the armed bail bondsman. A firearm registration permit issued to an armed bail bondsman expires one year after the date of its issuance and shall be renewed annually unless the permit holder's employment terminates before the expiration of the permit. If an armed bail bondsman terminates his or her employment, the firearm registration permit expires and shall be returned to the Commissioner within 15 working days of the date of termination. The Commissioner may require all permit holders to complete continuing education courses approved by the Commissioner before renewal of their permits.

(d) While carrying a firearm and engaged in practice as a bail bondsman, the armed bail bondsman shall carry the firearms registration permit issued by the Commissioner, together with valid identification, and shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a firearm, whether concealed or in plain view, when approached or addressed by the law enforcement officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer.

(e) The Commissioner may suspend, revoke, or deny a firearm registration permit if the holder or applicant has been convicted of any crime involving moral turpitude or any crime involving the illegal use, carrying, or possession of a deadly weapon or for violation of this section or rules adopted by the Commissioner to implement this section. The Commissioner may summarily suspend a firearm registration permit pending resolution of charges involving the illegal use, carrying, or possession of a firearm lodged against the holder of the permit.



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1 (f) The Commissioner and the Attorney General shall establish a firearms training
2 program for licensees to be conducted by agencies and institutions approved by the
3 Commissioner and the Attorney General. The Commissioner and the Attorney General may
4 approve training programs if the instructors of the training program are certified trainers
5 approved by the Commissioner and the Attorney General and the training program meets the
6 following criteria:

7 (1) Complete a basic training course consisting of a minimum of 20 hours of
8 classroom training that includes all of the following:

9 a. Legal limitations on the use of handguns and on the powers and
10 authority of an armed bail bondsman.

11 b. Familiarity with this section.

12 c. Range firing and procedure and handgun safety and maintenance.

13 d. Any other topics of armed bail bondsman training curriculum that the
14 Commissioner deems necessary.

15 (2) Fire a minimum qualifying score of eighty percent (80%) on a target course
16 approved by the Commissioner and the Attorney General.

17 (3) Complete a refresher course and requalify on the prescribed target course
18 before renewing the firearm registration permit.

19 (4) Complete any other training requirements deemed necessary by the
20 Commissioner and the Attorney General.

21 (g) The Commissioner may not issue a firearm registration permit to an applicant until
22 the applicant submits evidence satisfactory to the Commissioner that the applicant:

23 (1) Has satisfactorily completed an approved training course.

24 (2) Meets all the qualifications established by this section and by the rules
25 adopted to implement this section.

26 (3) Is mentally and physically capable of handling a firearm within the
27 guidelines set forth by the Commissioner and the Attorney General.

28 (h) All fees collected pursuant to G.S. 58-71-55, shall be expended, under the direction
29 of the Commissioner, for the purpose of defraying the expense of administering the firearms
30 provisions of this Article.

31 (i) The Commissioner and the Attorney General are authorized to adopt rules to
32 implement this section, including rules for periodic requalification with the firearm and for the
33 maintenance of records relating to persons issued a firearm registration permit by the
34 Commissioner.

35 (j) If the licensee carries a firearm while engaged in bail bondsman activities, the
36 licensee shall obtain and file with the Commissioner evidence of a policy of liability insurance
37 that provides for the following minimum coverage: fifty thousand dollars (\$50,000) due to
38 bodily injury or death of one person as a result of the negligent act or acts of the principal
39 insured or the principal insured's agents operating in the course and scope of employment; one
40 hundred thousand dollars (\$100,000) due to bodily injury or death of two or more persons as
41 the result of the negligent act or acts of the principal insured or the principal insured's agents
42 operating in the course and scope of the agency; and twenty thousand dollars (\$20,000) due to
43 injury to or destruction of property of others as the result of the negligent act or acts of the
44 principal insured or the principal insured's agents operating in the course and scope of the
45 agency. A licensee is deemed to be 'carrying a firearm' for purposes of this section while
46 engaged in bail bondsman services if the licensee has a firearm on the licensee's person or in
47 the automobile the licensee is using to act as a bail bondsman.

48 (k) An insurance carrier shall have the right to cancel the policy of liability insurance
49 upon giving a 30-day notice to the Commissioner. However, cancellation of the policy shall not
50 affect any liability on the policy which accrued before the cancellation. The policy of liability
51 shall be approved by the Commissioner as to form, execution, and terms.

1 (l) Persons licensed as runners under this Article shall not be required to obtain a
2 certificate of liability insurance.

3 (m) Every bail bondsman licensee carrying a firearm while engaged in bail bondsman
4 activities shall at all times maintain on file with the Commissioner the certificate of insurance
5 required by this Article in full force and effect and upon failure to do so, the license of the
6 licensee shall be automatically suspended and shall not be reinstated until an application, in the
7 form prescribed by the Commissioner, is filed together with a proper insurance certificate.

8 No cancellation or refusal to renew by an insurer of a licensee under this Article shall be
9 effective unless the insurer has given the insured licensee notice of the cancellation or refusal to
10 renew. Upon termination of insurance coverage for the licensee, the insurer shall give notice to
11 the Commissioner."

12 **SECTION 2.** G.S. 58-71-55 reads as rewritten:

13 "**§ 58-71-55. License fees.**

14 A nonrefundable license fee of one hundred dollars (\$100.00) shall be paid to the
15 Commissioner with each application for license as a bail bondsman and a license fee of sixty
16 dollars (\$60.00) shall be paid to the Commissioner with each application for license as a
17 runner. A nonrefundable application fee of fifty dollars (\$50.00) shall be paid to the
18 Commissioner with each application for a firearm registration permit for an armed bail
19 bondsman."

20 **SECTION 3.** A bail bondsman licensed under Article 71 of Chapter 58 of the
21 General Statutes and carrying a firearm while engaged in practice as a bail bondsman in this
22 State on or before October 1, 2009, shall have 90 days after that date to comply with the
23 applicable requirements of G.S. 58-71-51, as enacted in Section 1 of this act.

24 **SECTION 4.** This act becomes effective October 1, 2009.