

11 NCAC 13 .0539 BAIL BOND PRELICENSING EDUCATION PROVIDER

(a) This Rule applies to all bail bond prelicensing providers offering a prelicensing course prescribed by G.S. 58-71-71. All providers desiring to conduct a prelicensing course shall be approved and issued a certificate of authority by the Commissioner before commencement of the courses.

(b) A provider seeking approval to conduct a prelicensing course shall make written application to the Commissioner for a certificate of authority.

(c) The Division shall approve a provider when:

- (1) the provider has submitted all information required by the rules in this Section;
- (2) the course to be conducted complies with Rule 11 NCAC 13 .0541 of this Section; and
- (3) the provider has a qualified instructor to teach bail bonding for which it is seeking approval.

(d) The Commissioner shall deny, revoke, suspend, or terminate approval of any provider upon finding that:

- (1) the provider has failed to comply with any of the provisions of this Section;
- (2) any provider official or instructor has obtained or used, or attempted to obtain or use, in any manner or form, licensing examination questions for the state exam;
- (3) the provider has not conducted at least one prelicensing course during any 12-month period; or
- (4) the provider has refused or failed to submit information or forms prescribed by the rules in this Section.

(e) In all proceedings to deny, revoke, suspend, or terminate the certificate of authority of a provider, the provisions of Chapter 150B of the General Statutes are applicable.

(f) When a provider's approval is discontinued, the procedure for reinstatement is to apply as a new provider, with a statement of the reasons that the provider is now eligible for reconsideration.

(g) If a provider's approval has been suspended upon the Commissioner's finding that the provider has not conducted at least one prelicensing course during any 12-month period, that provider may reapply after one year of suspension. At such time, the Commissioner shall give the provider six months to conduct at least one prelicensing course.

(h) A provider shall notify the Commissioner in writing of any change of course location or schedule information no fewer than five business days before the change.

(i) A provider shall notify the Commissioner in writing of a change of textbook prior to use in an approved prelicensing course.

(j) An approved provider may use, for advertising or promotional purposes, examination performance data made available to the provider by the Commissioner, provided that any data disclosed by the provider shall be accurate, shall be presented in a manner that is not misleading, and shall:

- (1) be limited to the annual examination performance data for the particular provider and for all examination candidates in the State; and
- (2) include the type of examination, the time period covered, the number of candidates examined, and either the number or percentage of candidates passing the examination.

(k) A provider's facilities and equipment shall have been found by appropriate local building code inspectors to be in compliance with all applicable local, State and federal laws and regulations regarding safety, sanitation, and access by persons with disabilities.

(l) The provider is responsible for administrative matters such as recruiting instructors, evaluating and certifying the qualifications of instructors, developing educational programs, scheduling of classes, advertising, maintaining facilities and equipment, recordkeeping and supervising of the prelicensing program.

(m) A provider shall publish and provide to all prelicensing students before enrollment a publication that contains the following information:

- (1) name of provider and publication date;
- (2) name of sponsor;
- (3) all associated costs; and
- (4) an outline or description of all prelicensing courses offered.

(n) A provider shall file with the Commissioner a report that sets forth the exact dates, times, locations, and instructor name for each scheduled prelicensing course. This information shall be submitted at the beginning of each quarter or semester before the first class meeting of each prelicensing course.

(o) Providers shall retain the following material on file at one location for at least five years:

- (1) class schedules;
- (2) advertisements;
- (3) bulletins, catalogues, and other official publications;
- (4) grade reports, showing a numeric grade for each student;

- (5) attendance records;
 - (6) master copy of each comprehensive course examination, indicating the answer key course location, course dates and name of instructor;
 - (7) list of student names and the name of the instructor; and
 - (8) student registration information.
 - (9) All files shall be made available to the Commissioner upon request.
- (p) In the event of illness, injury or death of an instructor, the provider may use another instructor to complete a course.

History Note: Authority G.S. 58-2-40; 58-2-40, 58-71-71;
Eff. October 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016.