**South Carolina General Assembly**

119th Session, 2011-2012

**H. 5054**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bannister

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Introduced in the House on March 21, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Bail bondsmen or runners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/21/2012 House Introduced and read first time ([House Journal‑page 62](file:///h:\hj%20archive\2012\03-21-12.docx))

3/21/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 62](file:///h:\hj%20archive\2012\03-21-12.docx))

**VERSIONS OF THIS BILL**

[3/21/2012](file:///p:\pprever\2011-12\5054_20120321.docx)

**A** **BILL**

TO AMEND SECTION 38‑53‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL ACTS OF BAIL BONDSMEN OR RUNNERS, SO AS TO PROVIDE NO BAIL BONDSMAN OR RUNNER MAY IN NO WAY COMMUNICATE UNTRUE, DECEPTIVE, OR MISLEADING INFORMATION ABOUT ITS PREMIUMS, PERCENTAGES, OR FEE OFFERINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 38‑53‑170 of the 1976 Code is amended to read:

“Section 38‑53‑170. No bondsman or runner may:

(~~a~~1) pay a fee or rebate or give or promise anything of value, directly or indirectly, to a jailer, law enforcement officer, committing magistrate, or any other person who has power to arrest or hold in custody, or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or the forfeiture of the bail bond, including the payment to the law enforcement officers, directly or indirectly, for the arrest or apprehension of a principal or principals who have caused a forfeiture;

(~~b~~2) pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(~~c~~3) pay a fee or rebate or give or promise anything of value to the principal or anyone in his behalf;

(~~d~~4) participate in the capacity of an attorney at a trial or hearing of one on whose bond he is surety, nor suggest or advise the employment of or name for employment any particular attorney to represent the principal;

(~~e~~5) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of twenty‑five dollars. However, the bondsman is permitted to accept collateral security or other indemnity from the principal which must be returned upon final termination of liability on the bond. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal’s disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond;

(~~f~~6) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere pursuant to Section 38‑53‑340 must be reported to the director or his designee by the court within thirty days;

(~~g~~7) advise or assist the principal for the purpose of forfeiting bond;

(8) make, publish, disseminate, circulate, or place before the public or cause, directly, or indirectly, to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, signage, billboard, or other publication, in the form or notice, trade name, circular, pamphlet, letter, poster, or over any radio station, television, or in any other way, an advertisement, announcement, or statement containing an assertion, representation, or statement with respect to any premiums, percentages, or fee offerings or any statement that is untrue, deceptive, or misleading.”

SECTION 2. This act takes effect upon approval by the Governor.

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