**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5083**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon and Bannister

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Introduced in the House on April 9, 2014

Currently residing in the House Committee on **Ways and Means**

Summary: Bail Bondsmen

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2014 House Introduced and read first time ([House Journal‑page 137](file:///H:\HJ%20Archive\2014\04-09-14.docx))

4/9/2014 House Referred to Committee on **Ways and Means** ([House Journal‑page 137](file:///H:\HJ%20Archive\2014\04-09-14.docx))

**VERSIONS OF THIS BILL**

[4/9/2014](file:///p:\pprever\2013-14\5083_20140409.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑130 SO AS TO PROVIDE REQUIREMENTS OF FIRST YEAR SURETY BONDSMEN AND THEIR SUPERVISING BONDSMEN; TO AMEND SECTION 38‑53‑10, RELATING TO DEFINITIONS CONCERNING BAIL BONDSMEN, SO AS TO ADD A NECESSARY DEFINITION; TO AMEND SECTION 38‑53‑60, RELATING TO THE SURRENDER OF DEFENDANTS, SO AS TO PROVIDE SURETIES MAY ARREST DEFENDANTS BEFORE FORFEITURE AND MAY ASSIST OTHER SURETY BONDSMEN APPOINTED WITH THE SAME INSURER; TO AMEND SECTION 38‑53‑85, RELATING TO EDUCATIONAL AND EXAMINATION REQUIREMENTS FOR APPLICANTS, SO AS TO INCREASE REQUIRED EDUCATION HOURS TO EIGHTY AND TO REQUIRE FIRST YEAR SURETY BONDSMEN TO GIVE THE DEPARTMENT OF INSURANCE THE NAMES AND LICENSE NUMBERS OF THEIR SUPERVISING SURETY BONDSMEN; TO AMEND SECTION 38‑53‑90, AS AMENDED, RELATING TO QUALIFICATIONS FOR LICENSURE OF PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO REVISE THE EDUCATION, TRAINING, EXPERIENCE, AND RESIDENCY REQUIREMENTS; AND TO AMEND SECTION 38‑53‑320, RELATING TO EXAMINATION OF THE BUSINESS‑RELATED BOOKS AND PAPERWORK OF PROFESSIONAL BONDSMEN, THEIR AGENTS, OR THEIR RUNNERS BY THE DEPARTMENT, SO AS TO APPLY THESE PROVISIONS TO SURETY BONDSMEN AND TO PROVIDE THAT PROFESSIONAL BONDSMEN AND SURETY BONDSMEN SHALL MAINTAIN AN OFFICE AND THAT THIS OFFICE MUST BE ACCESSIBLE DURING NORMAL BUSINESS HOURS, AND TO REQUIRE A BONDSMAN SHALL PROVIDE THE STREET ADDRESS AND MAILING ADDRESS OF THIS OFFICE TO THE DEPARTMENT AND UPDATE CHANGES TO THESE ADDRESSES IN A TIMELY MANNER.

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

SECTION 1. Chapter 53, Title 38 of the 1976 Code is amended by adding:

“Section 38‑53‑130. (A) A first year surety bondsman:

(1) must be supervised by only one licensed surety bondsman with a minimum of three consecutive years of licensure; and

(2) may exercise the same authority as a licensed surety bondsman, including:

(a) presenting defendants in court;

(b) apprehending, arresting, and surrendering defendants to the proper authorities while accompanied by the supervising surety bondsman; and

(c) keeping defendants under necessary surveillance and posting bonds for the supervising bondsman’s agency; but

(d) may not own, have an interest in, or operate an agency or branch agency separate from the supervising surety bondsman.

(B) A supervising bondsman shall, after twelve months of supervising a first year surety bondsman, provide an affidavit verifying the completion of this first year. The affidavit must be made on a form that the department shall develop and provide to the supervising bondsman.”

SECTION 2. Section 38‑53‑10 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) ‘First year surety bondsman’ means a person employed and supervised by only one licensed surety bondsman with a minimum of three consecutive years of licensure and who may exercise the same authority as a licensed surety bondsman as provided in Section 38‑53‑130.”

SECTION 3. Section 38‑53‑60 of the 1976 Code is amended to read:

“Section 38‑53‑60. For the purpose of surrendering the defendant, the surety may arrest him before the forfeiture of the undertaking and may assist another surety bondsman who is appointed with the same insurer or, by his written authority endorsed on a certified copy of the undertaking, may request any judicial officer to order the arrest of the defendant by the surety.”

SECTION 4. Section 38‑53‑85(A) of the 1976 Code is amended to read:

“(A)(1) An applicant for a license to work as a professional bondsman, surety bondsman, or runner must complete not less than ~~twenty~~ eighty hours of education in subjects pertinent to the duties and responsibilities of a professional and surety bondsman or runner, including all laws and regulations related to being a professional or surety bondsman or runner. A written examination must be administered at the conclusion of the course work. Each applicant must pass the examination before he can be licensed. A first year surety bondsman shall provide the department the name and license number of his supervising surety bondsman.

(2) Each person licensed as a professional bondsman, surety bondsman, or runner must complete annually not less than six hours of continuing education in subjects related to the duties and responsibilities of a professional and surety bondsman or runner before his license shall be renewed. The continuing education courses shall not include a written or oral examination. The six‑hour annual requirement is in addition to the twenty‑four hour continuing education requirement for surety insurance agents as required by Section 38‑43‑106.”

SECTION 5. Section 38‑53‑90(B) of the 1976 Code, as last amended by Act 67 of 2013, is further amended to read:

“(B) Before being issued the license, every applicant for a license as a professional bondsman, surety bondsman, or runner shall certify to the director that he:

(1) is eighteen years of age or older;

(2) is a resident of this State for the immediately preceding twelve‑month period;

(3) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

(4) has ~~knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he~~ completed and fulfilled all requirements of Section 38‑53‑85 and possesses the competence necessary to fulfill the responsibilities of a licensee.”

SECTION 6. Section 38‑53‑320 of the 1976 Code is amended to read:

“Section 38‑53‑320. Whenever the director or his designee considers it necessary, he shall visit and examine or cause to be visited and examined by some competent person appointed by him for that purpose any professional or surety bondsman subject to the provisions of this chapter. For this purpose, the bondsman shall maintain an office that must be accessible by the director or his designee during normal business hours, excluding weekends and holidays. A bondman shall provide the street address and mailing address of this office to the department and must notify the department of any change in this street address or mailing address within thirty days of the change. The director or his designee or person making the examination has free access to all books and papers of the bondsman that relate to his business and to the books and papers kept by any of his agents or runners.”

SECTION 7. This act takes effect upon approval by the Governor.

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