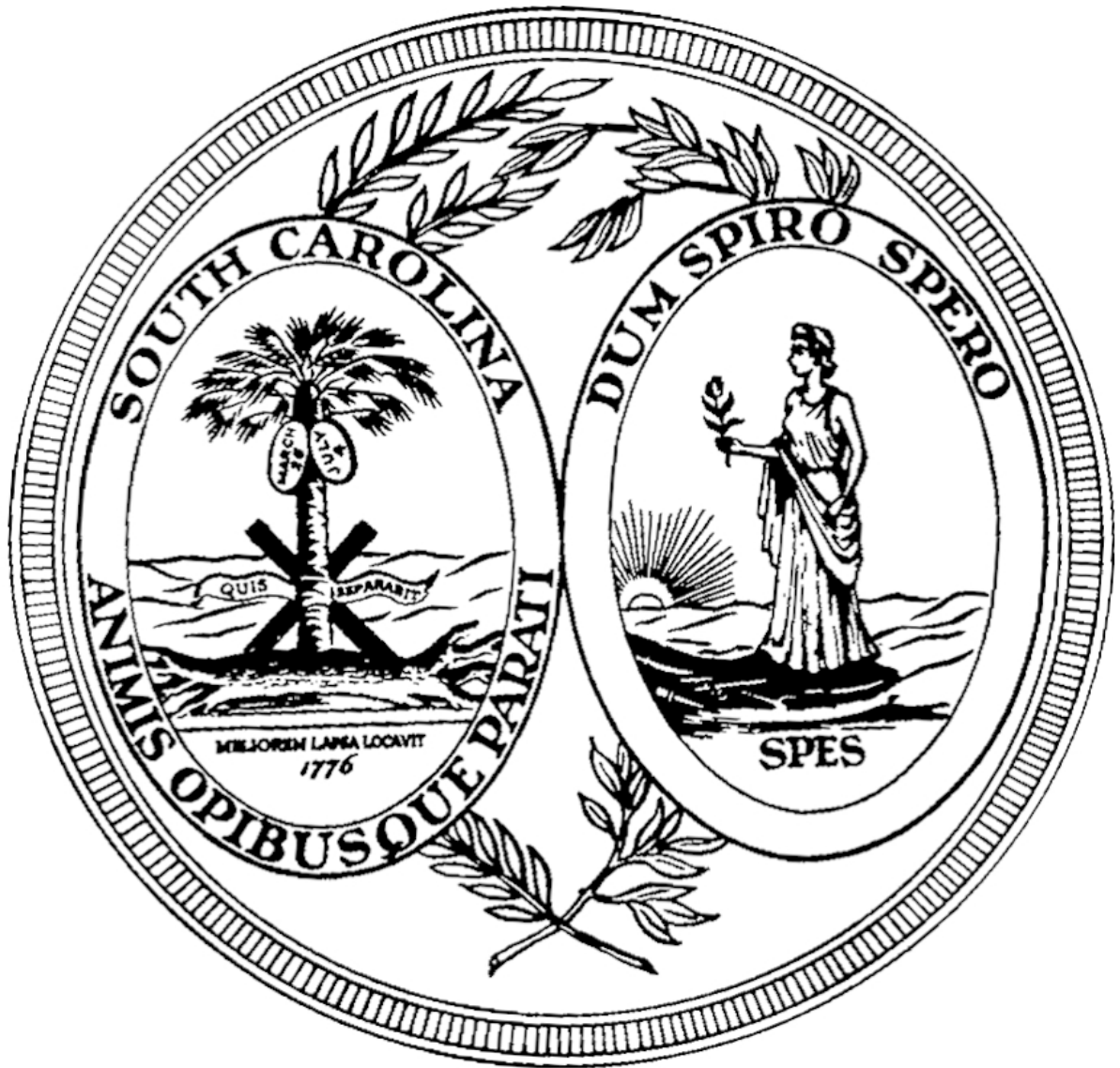


SOUTH CAROLINA DEPARTMENT OF INSURANCE
BONDSMAN & RUNNER LICENSING GUIDE



SOUTH CAROLINA BAIL BOND LICENSE TYPES

There are three (3) bail bond license types issued by this agency for which you may apply for. You may hold one or two based on your qualifications.

1. Professional Bail Bondsman

A person pledges cash or approved securities with the clerk of court as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge.

Upon successful completion of the professional bondsman/runner exam, a security deposit must be established by each applicant seeking a professional bondsman license. **A minimum of ten thousand (\$10,000) dollars of this collateral shall be in the form of cash deposited or certificates of deposit pledge with the clerk of court. *** Any remaining collateral shall be pledges of real estate.** the value of which shall be based upon the appraised value by the county tax assessor. The real estate shall be **free and clear of any encumbrances** based upon a title opinion furnished to the clerk of court by the bondsman. **(You must pledge \$10,000 cash before any real property can be accepted)**

2. Surety Bail Bondsman

any person who is approved by and licensed by the director or his designee **as an insurance agent, appointed by an insurer by power of attorney** to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

Upon successful completion of the surety producer exam, and bondsman/runner pre-licensing class and exam, fingerprinting and receiving an appointment from a license surety insurance carrier by each applicant seeking a surety bondsman license.

3. Accommodation Bail Bondsman – (no license is required)

a person who has reached the age of eighteen years, is a resident of this State, who, aside from love and affection and release of the person concerned, **receives no consideration for action as surety**, and who endorses the bail bond after providing

satisfactory evidence of ownership, value, and marketability of real property to the extent necessary to reasonably satisfy the official taking bond that the real or personal property will in all respects be sufficient to assure that the full principal sum of the bond will be realized in the event of breach of the conditions of the bond. **"Consideration" as used in this item does not include the legal rights of a surety against a defendant by reason of breach of the conditions of a bail bond nor does it include collateral furnished to and securing the surety so long as the value of the surety's rights in the collateral does not exceed the defendant's liability to the surety by reason of a breach in the conditions of the bail bond.**

No exam or pre-licensing required. No fees or consideration can be received for services. Must deal directly with the clerk of court and provide satisfactory evidence of ownership of real property pledged to gain release of the person.

4. **Runner**

a runner is **employed** by a professional or surety bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, assisting in the apprehension and surrender of the defendant to the court, keeping the defendant under necessary surveillance, and may executing bonds on behalf of the licensed **professional bondsman** when the power of attorney has been recorded. "Runner" does not include an attorney or a law enforcement officer assisting a bondsman.

To be licensed as a Professional and/or Surety Bondsman or Runner

You must meet the following qualifications in accordance with South Carolina Insurance Laws – Code 38-53-90:

1. You must be at least 18 years of age
2. Is a resident of the State of South Carolina

Proof of Residency. - An applicant for a license as a bail bondsman or runner shall provide to the Commissioner at least two of the documents listed in this subsection as proof of residency in this State. The permissible documents are:

- (1) A pay stub showing the applicant's residential address in this State.
- (2) A utility bill showing the applicant's residential address in this State.
- (3) A written lease agreement or contract for purchase and sale signed by the applicant and for a residence located in this State.
- (4) A receipt for personal property taxes paid by the applicant to a South Carolina unit of local government.
- (5) A receipt for real property taxes paid by the applicant to a South Carolina unit of local government.

- (6) A monthly or quarterly statement showing the applicant's residential address in this State and issued by a financial institution for an account held by the applicant.
3. Is a person of good moral character and has not been convicted of a felony or any crimes involving moral turpitude with the last ten (10) years. Undergo a state criminal record check supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal record check by the Federal Bureau of Investigation (FBI). The cost associated with the criminal history record must be borne by the applicant
4. Has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee.

Pursuant to 38-53-90(C) the director or his designee may deny any licensee if the applicant has been convicted of a felony or any crimes involving moral turpitude with the last ten (10) years.

Certain persons is not allowed to be surety (bondsman or runner)

Pursuant to South Carolina Insurance Law, code 38-53-190, the following do not meet the licensing qualifications:

No sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of any court of this State, or other public employee assigned to duties relating to the administration of the court may become a surety on a bail bond for any person. No person covered by this section may act as agent for any bonding company or professional bondsman, nor may he have an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsmen. Nothing in this section prohibits any person designated above from being a surety upon the bond of his spouse, parent, brother, sister, child, or descendant.

South Carolina Bail Bond Licensing Instructions :

1. Complete the Bondsman and Runner 30 hrs. pre-licensing education class (**if applying for surety bondsman license, you must apply AND be approved for a producer license and receive an appointment from a license d surety insurance carrier**)

2. Contact Pre-Licensing Sponsor(s) for class schedule (included in pkg)
3. Register with **PSI** testing administrator for testing. For appointment call 800-733-9267
4. Contact L-1 (IDENTOGO) for fingerprinting. 1-866-254-2366 (**All applicants must undergo a state and federal background check before a license can be issued**)

Important: Notice to the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. Each applicant has an opportunity to complete, change, update or challenge the accuracy of, the information contained in the FBI identification record set forth in Title 28, C.F.R. 16.34.

TO apply for licensure on line. See instructions below:

- a. Select : **“On-Line Services”** for the department’s homepage
- b. Select: **“Apply for License(s)”** from the menu
- c. Click **“I Agree”** located at the bottom of the page
- d. Enter **“SSN & DOB”**
- e. Enter your personal information in then click next (**MUST HAVE A VALID EMAIL ADDRESS AT ALL TIMES**)

In addition to the requirements stated above, applicants seeking a surety bondsman license will need to apply for a limited line producer license first, and obtain an appointment from a surety company (a current list of surety companies is attach and posted on the DOI’s website)

Contact the **Agent’s Licensing Division (803) 737-6095** for instructions on obtaining a limited line surety producer license.

Required documents to submit to the Department

- a. Copy of Pre-Licensing class certificate(s)
- b. Copy of IDENTOGO payment receipt with transaction number.
- c. One passport size full-face photo
- d. Copy of examination score result
- e. Proof of \$10,000 pledge (**only apply to applicant seeking a professional bondsman license**)
- f. Appointment of Runner (Form No#1102) and/or Power of Attorney (Form No#1104) completed by professional and/or surety bondsman (**only apply to applicant seeking runner license**)

Note: All state and federal background investigation will be conducted by SLED & FBI on each applicant seeking licensure.

VERY IMPORTANT

This processing timeframe for licensure is **10-15** days from the date we receive your application **(including all supporting documents listed above)** License is contingent on the result of state and federal background check.

REASONS A BAIL BOND LICENSE MAY BE DENIED

Pursuant to South Carolina Statute 38-53-150, a bail bond license may be denied for any of the following reasons:

(A) The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:

- (1) for any cause sufficient to deny issuance of the original license;
- (2) violation of any laws of this State relating to bail in the course of dealings under the license issued to a bondsman or runner by the director or his designee;
- (3) material misstatement, misrepresentation, or fraud in obtaining the license;
- (4) misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license;
- (5) fraudulent or dishonest practices while conducting business as a licensee;
- (6) conviction of a felony within the last ten years regardless of whether the conviction resulted from conduct in or related to the bail bond business;
- (7) failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department;
- (8) when in the judgment of the director or his designee the licensee has in the conduct of his affairs under the license demonstrated incompetency or untrustworthiness, that he is no longer in good faith carrying on the bail bond business, or that he is guilty of rebating, offering to rebate, or offering to divide the premiums received for the bond;
- (9) for failing to pay any judgment or decree rendered on any forfeited undertaking in any court of competent jurisdiction;

(10) for charging or receiving as premium or compensation for the making of any deposit or bail bond any sum in excess of that permitted by this chapter;

(11) for requiring as a condition of his executing a bail bond that the defendant agree to engage the services of a specified attorney.

(B) The director or his designee, in lieu of revoking or suspending a license in accordance with the provisions of this chapter, in any one proceeding, by order, may require the licensee to pay to the director or his designee to be deposited in the general fund of the State a monetary penalty as provided in Section 38-2-10 (2) for each offense. Upon failure of the licensee to pay the penalty within twenty days after the mailing of the order, postage prepaid, registered, and addressed to the last known place of business of the licensee, unless the order is stayed by an order of a court of competent jurisdiction, the director or his designee may revoke the license of the licensee or may suspend the license for a period as he determines.

(C) A professional or surety bondsman or runner whose license has been revoked cannot be issued another license for a period of **one year** and must meet all requirements under this chapter prior to re-licensing by the department.

CONTINUING EDUCATION REQUIREMENT S:

All licensed bondsmen and runners, you are required to complete 8 hours of continuing education each year and provide proof with your annual fingerprinting no later than **May 15th of each year**. (All fingerprint receipt may be faxed to 803-737-6100) **Failure to comply may result in a \$500 fine and non-renewal of license. You must paid a reinstatement fee in the amount of four (4) times the license renewal fee or \$250, whichever is greater.**

LICENSE APPLICATION REVIEW

After the South Carolina Department of Insurance has reviewed your completed application, a background investigation will be conducted. In order to conduct this state and federal criminal record check, you are required to make an appointment with MorphoTrust USA dba Identogo (866-254-2366).

All applications must be submitted before fingerprinting. If the review of the application and background investigation determines that you meet the qualifications for bail bond licensure, your application will appear as "active" on the DOI's website.

If the review of the application and background investigation determines that you do not meet the qualifications for bail bond licensure, we will send a letter to your address and inform you of your application status.

SCREENING QUESTIONS

Each applicant is required to answer the following screening questions on the application. The applicant must read each question very carefully and answer question truthfully. Pursuant to South Carolina Code 38-53-150, the Director may deny, suspend, revoke, or refuse to renew any bail bond license for material misstatement, misrepresentation or fraud in obtaining the license.

(This is not an application)

1. Yes No Do you currently hold a valid bail bond license of any type? **If yes, please check and complete the following :**
- Professional Bondsman
 - Runner Bondsman, employed by _____
 - Surety Bondsman, name of insurance co. _____
2. Yes No Have you previously held a bondsman or runner license? **If yes, check the appropriate box of license previously held.**
- Professional Bondsman **Dates Held:** _____
 - Runner Bondsman **Dates Held:** _____
 - Surety Bondsman **Dates Held:** _____
3. Yes No Have you ever been convicted, or are you currently charged with, committing a crime, whether or not adjudication was withheld? **If yes, (a) attach a written statement explaining the circumstances of each incident. (b) provide a copy of the charging document from the court. (c) provide the official copy of document which demonstrates the resolution of the charges or any final judgment.**
4. Yes No Have you ever had administrative action taken against a professional or occupational license or registration, including but not limited to the denial, suspension, or revocation of any license in this State?
5. Yes No Have you ever failed to pay State or Federal income tax or comply with any administrative or court order direction payment of State or Federal tax after entry of a judgment or order? Are do you have any liens against you for failing to pay State or Federal income tax after entry of a final judgment or order?
6. Yes No Are you a sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, jailer, assistant jailer, employee of the general court, other public employee assigned to duties relating to the administration of the criminal justice?

7. Yes No Do you have child support obligation in arrears? If yes, attach details indicating (a) how much months you are in arrears, (b) the reason you are in arrears, and (c) a recent payment history.
8. Yes No Are you currently a party to, or have been found liable in any lawsuit or arbitration proceeding involving allegations, of fraud, misappropriation or conversion of funds, or unlawful withholding of moneys belonging to insurers? **If yes, attach (a) a written statement summarizing the details, (b) a copy of the Petition, Compliant or other document, and a copy of the official document which demonstrates the resolution of the charges.**
9. Yes No Have any demands been made or judgment rendered against you for overdue monies by an insurer or others received in the conduct of business? **If yes, attach explanation and supporting documents, including repayment agreement and proof of payments.**
10. Yes No Have you lived outside the State of South Carolina since the age of 18? **If yes, attach a listing of the other states or countries outside the state of South Carolina you have lived and the date of residence.**

TELEPHONE

Call (800) 733-9267, PSI registrars are available to receive payment and to schedule your appointment for the examination. Please call Monday through Friday between 7:30 am and 10:00 pm, and Saturday-Sunday between 9:00 am and 5:30 pm, Eastern Time. To register by phone, you need a valid credit card (VISA, MasterCard, American Express or Discover.)

EXAM ACCOMMODATIONS

All examination centers are equipped to provide access in accordance with the Americans with Disabilities Act (ADA) of 1990, and exam accommodations will be made in meeting a candidate's needs. Applicants with disabilities or those who would otherwise have difficulty taking the examination must fill out the Exam Accommodation Request form at the end of this Candidate Information Bulletin and fax to PSI (702) 932-2666.

EXAMINATION SITE CLOSING FOR AN EMERGENCY

In the event that severe weather or another emergency forces the closure of an examination site on a scheduled examination date, your examination will be rescheduled. PSI personnel will

attempt to contact you in this situation. However, you may check the status of your examination schedule by calling (800) 733-9267. Every effort will be made to reschedule your examination at a convenient time as soon as possible. You will not be penalized. You will be rescheduled at no additional charge.

SOCIAL SECURITY NUMBER CONFIDENTIALITY

PSI will use your social security number only as an identification number in maintaining your records and reporting your examination results to the State. A Federal law requires State agencies to collect and record the social security numbers of all licensees of the professions licensed by the State.

The following directions are generated from the most current mapping services available. However, new road construction and highway modifications may result in some discrepancies. If you are not familiar with the specific area of the examination site, please consult a reliable map prior to your examination date.

AIKEN

Aiken Technical College 2276 Jefferson Davis Hwy Graniteville, SC 29829
From Old Graniteville Hwy/SC-191, turn right onto Canal St/SC-191. Turn right onto Chalk Bed Rd. Take the 1st left onto Baker St. Take the 1st right onto US-1 S/US-78W.

BEAUFORT/HILTON HEAD

Regions Bank Building
69 Robert Smalls Pky/SC-170, Unit 4D Beaufort, South Carolina 29906
From I-95, take the US-17N exit (Exit Number 33) towards Beaufort. After approximately 9 miles, US 21 splits off to the right and goes to Beaufort and US 17 goes to the left towards Charleston. Continue towards Beaufort on US 21 for approximately 12 miles. Turn sharp right onto SC 170 (McDonalds is on the corner) and continue for .3 miles. The building is on your left.

CHARLESTON

4600 Goer Drive, Suite 112A
North Charleston, South Carolina 29406
At juncture of I-26 and I-526, head Southeast in the direction of Charleston. Next exit is Montague Ave, exit East Montague. Take first right at Goer Drive. Site is adjacent to the Marriott Hotel.

COLUMBIA

Synergy Business Park Congaree Building

121 Executive Center Drive, Suite 143 Columbia, South Carolina 29210

From I-20, take exit 63 (Bush River Road). Proceed west and turn right onto Berryhill Road. Turn left onto Executive Center Drive. Enter the Congaree Building through the front door. From the lobby take the corridor to the right to the end and turn left. PSI Suite 143 is on the left.

FLORENCE - SOUTHEASTERN INSTITUTE OF MAINTENANCE AND TECHNOLOGY

1951 Pisgah Rd

Florence, South Carolina 29501

From the South take I-95 North toward Florence. Turn right onto US-52 N via exit 164 toward Darlington. Travel 1.6 miles to Florence-Darlington Technical College (FDTC) and turn right at the SIMT sign. Follow this road through the FDTC campus to the SIMT entrance.

From the North via I-95, take I-95 South toward Florence. Turn right onto US-52 N via Exit 164 toward Darlington. Travel 1.6 miles to Florence-Darlington Technical College (FDTC) and turn right at the SIMT sign. Follow this road through the FDTC campus to the SIMT entrance.

GRANITEVILLE - AIKEN TECHNICAL COLLEGE

2276 Jefferson Davis Hwy, room 742 Graniteville, South Carolina 29829

From S Carolina 191 S and US-1 S/Canal St., toward Hard St., turn right onto S Carolina 104/Brantley St. Continue to follow S Carolina 104, turn left onto Baker St. Turn right onto US-1 S/US- 78 W/Jefferson Davis Hwy.

GREENVILLE/SPARTANBURG

150 Executive Center Drive, Ste 218 Greenville, South Carolina 29615

From I-85, take I-385 North towards Greenville. Take Roper Mountain exit (Exit 37) and go right (East). Turn right at first street (Independence Blvd). Go 0.7 miles and turn left on Executive Center Drive. The Anderson Building will be on your right.

MYRTLE BEACH

1601 North Oak Street, Suite 305 Myrtle Beach, South Carolina 29577

From the west: Take Rte 501 to 17 Bypass North. Take 17 Bypass North one exit to 10th Avenue (Mr Joe White Ave). Turn right and go about 2 miles to Oak St. Take left on Oak St and follow to #1601(Myrtle Offices). Go around to back of building. PSI is in Suite #305

From the south: Take 17 Bypass North to 10th Avenue. Turn right and follow above directions.

CHAPTER 53.

BAIL BONDSMEN AND RUNNERS LAWS

SECTION 38-53-10. Definitions.

As used in this chapter:

(1) "Accommodation bondsman" means a person who has reached the age of eighteen years, is a resident of this State, who, aside from love and affection and release of the person concerned, receives no consideration for action as surety, and who endorses the bail bond after providing satisfactory evidence of ownership, value, and marketability of real property to the extent necessary to reasonably satisfy the official taking bond that the real or personal property will in all respects be sufficient to assure that the full principal sum of the bond will be realized in the event of breach of the conditions of the bond. "Consideration" as used in this item does not include the legal rights of a surety against a defendant by reason of breach of the conditions of a bail bond nor does it include collateral furnished to and securing the surety so long as the value of the surety's rights in the collateral does not exceed the defendant's liability to the surety by reason of a breach in the conditions of the bail bond.

(2) "Bail bond" means an undertaking by the defendant to appear in court as required upon penalty of forfeiting bail to the State in a stated amount and may include an unsecured appearance bond, a premium-secured appearance bond, an appearance bond secured by a cash deposit of the full amount of the bond, an appearance bond secured by a mortgage, and an appearance bond secured by at least one surety.

(3) "Bail bondsman" means a surety bondsman, professional bondsman, or an accommodation bondsman as defined in this chapter.

(4) "Clerk of court", unless otherwise specified, means the clerk of the circuit court of the county in the state where the bondsman is currently writing or obligated on the majority of those bail bonds which he has written or on which he is obligated.

(5) "Court", unless otherwise specified, means circuit, magistrate's, or municipal court.

(6) "Insurer" means any domestic, foreign, or alien surety company which has qualified generally to transact surety business and specifically to transact bail bond business in this State.

(7) "Obligor" means a principal or a surety on a bail bond.

(8) "Principal" means a defendant or witness obligated to appear in court as required upon penalty of forfeiting bail under a bail bond.

(9) "Professional bondsman" means any person who is approved and licensed under the provisions of this chapter and who pledges cash or approved securities with the clerk of court as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge.

(10) "Runner" means a person employed by a bail bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, assisting in the apprehension and surrender of the defendant to the court, keeping the defendant under necessary surveillance, and executing bonds on behalf of the licensed bondsman when the power of attorney has been recorded. "Runner" does not include an attorney or a law enforcement officer assisting a bondsman.

(11) "Surety" means one who, with the defendant, is liable for the amount of the bail bond upon forfeiture of bail.

(12) "Surety bondsman" means any person who is approved by and licensed by the director or his designee as an insurance agent, appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and receives or is promised money or other things of value for the execution or countersignature.

(13) "Appropriate judge" means a magistrate, municipal, or circuit court judge who has jurisdiction over the defendant.

(14) "Good cause" means the violation of a specific term of the bail bond not to include the nonpayment of fees.

SECTION 38-53-20. Enforcement of chapter.

The director or his designee, clerks of court, and the State Law Enforcement Division have full power and authority to administer the provisions of this chapter for which they are charged with implementing. The director shall promulgate regulations to enforce the purposes and provisions of this chapter. The director may hire employees, examiners, investigators, and other assistants as he considers necessary and shall prescribe their duties.

SECTION 38-53-30. Validity of undertakings.

No undertaking is invalid, nor may any person be discharged from his undertaking, a forfeiture be stayed, the judgment on the undertaking be stayed, set aside, or reversed, nor the collection of the judgment be barred or defeated by reason of any defect, omission, or failure to note or

record the default of any defendant or surety, because the undertaking was entered into on a Sunday or other holiday or because of any other irregularity, if it appears from the tenor of the undertaking that the official before whom it was entered into was legally authorized to take it and if the amount of bail was stated.

The liability of a person on an undertaking is not affected by reason of the lack of any qualifications, sufficiency, or competency provided in any other law in this State, by reason of any other agreement whether or not the agreement is expressed in the undertaking, or because the defendant has not joined in the undertaking.

SECTION 38-53-40. Qualifications of surety.

Each surety for the release of a person on bail must be qualified as:

- (a) an insurer and represented by a surety bondsman;
- (b) a professional bondsman; or
- (c) an accommodation bondsman.

SECTION 38-53-50. Surety relieved on bond; surrender of defendant; filing of new undertaking.

(A) A surety desiring to be relieved on a bond for good cause shall file with the clerk of court a motion to be relieved on the bond. A copy of the motion must be served upon the defendant, his attorney, and the solicitor's office. The court then shall schedule a hearing to determine if the surety should be relieved on the bond and notify all parties of the hearing date. At the time of the filing of the motion, a fee of twenty dollars must be paid to the clerk of court to be retained by the clerk for use in the operation of the clerk's office. The fee will cover the cost of copies of the motion required by the surety.

(B) If the circumstances warrant immediate incarceration of the defendant to prevent imminent violation of one of the specific terms of the bail bond, or if the defendant has violated one of the specific terms of the bond, the surety may take the defendant to the appropriate detention facility for holding until the court orders that the surety be relieved. The surety, within three business days following recommitment, must file with the detention facility and the court an affidavit clocked in with the clerk of court on a form provided by the Division of Court Administration stating the facts to support the surrender of the defendant for good cause. Nonpayment of fees alone is not sufficient cause to warrant immediate incarceration of the defendant. When the defendant and the affidavit are presented at the appropriate detention facility, the facility shall take custody of the defendant. When the affidavit is filed with the court,

the surety also shall file a motion to be relieved on the bond pursuant to subsection (A). A surety who surrenders a defendant and files an affidavit which does not show good cause is subject to penalties imposed for perjury as provided for in Article 1, Chapter 9, Title 16.

(C) If the defendant is incarcerated by the surety or a law enforcement agency as a result of a bench warrant, the surety shall file an affidavit with the court stating that the defendant is incarcerated in the appropriate detention facility as a result of the bench warrant as well as the violation of the specific term or terms of the bail bond stated in the bench warrant. Once the affidavit pursuant to the provisions of this subsection has been filed and served on the defendant, the surety is relieved of all liability on the bail bond by the court unless otherwise ordered by the circuit court within fourteen calendar days of the filing of the affidavit, or, if there is no term of court within the fourteen day period, at the ensuing term of court.

(D) After the surety has been relieved by order of the court, a new undertaking must be filed with the appropriate court in order to secure the subsequent release of the defendant. The undertaking must contain the same conditions included in the original bond unless the conditions have been changed by the court.

SECTION 38-53-60. Arrest of defendant.

For the purpose of surrendering the defendant, the surety may arrest him before the forfeiture of the undertaking 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 38-53-70. Issuance of bench warrant; remission of judgment.

If a defendant fails to appear at a court proceeding to which he has been summoned, the court shall issue a bench warrant for the defendant. The court shall make available for pickup by the surety or the representative of the surety who executed the bond on their behalf, a true copy of the bench warrant within seven days of its issuance at the clerk of court's office. If the surety fails to surrender the defendant or place a hold on the defendant's release from incarceration, commitment, or institutionalization within ninety days of the issuance of the bench warrant, the bond is forfeited. At any time before execution is issued on a judgment of forfeiture against a defendant or his surety, the court may direct that the judgment be remitted in whole or in part, upon conditions as the court may impose, if it appears that justice requires the remission of part or all of the judgment. In making a determination as to remission of the judgment, the court shall consider the costs to the State or a county or municipality resulting from the necessity to continue or terminate the defendant's trial and the efforts of law enforcement officers or agencies to locate the defendant. The court, in its discretion, may permit the surety to pay the estreatment in installments for a period of up to six months; however, the surety shall pay a handling fee to the court in an amount equal to four percent of the value of the bond. If at any

time during the period in which installments are to be paid the defendant is surrendered to the appropriate detention facility and the surety complies with the recommitment procedures, the surety is relieved of further liability.

SECTION 38-53-80. License required of bail bondsman and runners.

No person may act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional or surety bondsmen or runners under the provisions of this chapter unless that person is qualified, except for an accommodation bondsman, licensed in accordance with the provisions of this chapter. No license may be issued to a professional bondsman, surety bondsman, or runner except as provided in this chapter.

The applicant shall apply for a license or renewal of a license on forms prepared and supplied by the director or his designee. The director or his designee may ask the applicant any questions, written or otherwise, relating to his qualifications, residence, prospective place of business, and any other inquiries which, in the opinion of the director or his designee, are necessary in order to protect the public and ascertain the qualifications of the applicant. The director or his designee shall request that the State Law Enforcement Division conduct any reasonable investigation relative to the determination of the applicant's fitness to be licensed or to continue to be licensed.

The failure of the applicant to secure approval of the director or his designee does not preclude him from applying as many times as he desires, but no application may be considered by the director or his designee within one year subsequent to the date upon which the director or his designee denied the applicant's last application.

SECTION 38-53-85. Educational requirements for applicants; examination; exemption from requirement.

(A) An applicant for a license to work as a professional bondsman, surety bondsman, or runner must complete not less than twenty 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.

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.

(B) A person licensed as a professional bondsman, surety bondsman, or runner before the effective date of this section is not required to complete the requisite twenty hours of education but must complete six hours of continuing education courses in order to have his license renewed.

(C) The South Carolina Bail Agent's Association or any other group or association approved by the Department of Insurance to provide educational courses to bondsmen must establish an educational curriculum for bondsman licensure. The Department of Insurance must approve the courses offered and ensure that the courses meet the standards for education established by this section and the department. The requirement of course work for licensure is not satisfied by a mail order course. The department must also approve a written examination to be administered by all groups who provide educational courses to be administered at the conclusion of the twenty-hour course work.

(D) A person who falsely represents that he has met the educational requirements of this section is subject, after being afforded notice and an opportunity for a due process hearing by the Administrative Law Judge Division, to the penalty provided for in Section 38-53-340.

(E) A professional bondsman, surety bondsman, or runner who is more than sixty years of age and who has at least twenty years of licensure is exempt from the continuing education requirements contained in this section.

(F) The director shall establish rules and regulations for the effective administration of this section.

SECTION 38-53-90. Qualifications for licensure of professional bondsman, surety bondsman or runner.

(A) Before a license is issued to an applicant permitting him to act as a professional bondsman or runner, the applicant shall furnish to the director or his designee a complete set of his fingerprints and a recent passport size full-face photograph in the manner prescribed by the director. Before a license is issued to a new or renewal applicant permitting him to act as a professional surety bondsman or runner, the applicant must undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported by the department. The cost associated with the criminal history record must be borne by the

applicant. The applicant's fingerprints must be certified by an authorized law enforcement officer.

(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;

(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 possesses the competence necessary to fulfill the responsibilities of a licensee.

SECTION 38-53-100. Fees.

(A) A license fee of four hundred dollars must be paid to the director or his designee with each application for a license as a professional bondsman. The director or his designee shall forward four hundred dollars to the State Treasurer to be placed in the general fund; however, of the four hundred dollars, two hundred dollars must be paid over to the director or his designee to offset the costs he incurs under the provisions of this chapter, and two hundred dollars must be paid over to the State Law Enforcement Division to offset the costs it may incur under the provisions of this chapter.

(B) A license fee of two hundred dollars must be paid to the director or his designee with each application for a license as a runner. The director or his designee shall forward two hundred dollars to the State Treasurer to be placed in the general fund; however, of the two hundred dollars, one hundred dollars must be paid over to the director or his designee to offset the costs he incurs under the provisions of this chapter, and one hundred dollars must be paid over to the State Law Enforcement Division to offset the costs it incurs under the provisions of this chapter.

(C) The director or his designee shall forward forty percent of all fees collected under subsections (A) and (B) of this section to the clerk of court of the county where the principal place of business of the bondsman or runner is located. The remaining sixty percent of collected fees must be forwarded to the State Treasurer to be placed in the general fund, of which one-third must be paid to the State Law Enforcement Division, and two-thirds must be paid to the director or his designee to offset expenses incurred under the provisions of this chapter.

(D) In addition to the fees herein provided, a professional or surety bondsman shall pay to the clerk of court of his home county the sum of one hundred fifty dollars annually for each licensee to be paid directly to and retained by the clerk. In addition, each bondsman and runner shall pay to any other county where he is doing business the sum of one hundred dollars to be paid to and retained by the clerk. The fee must be paid annually and directly to the clerk of court who shall deposit it in an account maintained by the clerk.

SECTION 38-53-102. Suspension of license.

Notwithstanding any other provision of law, the department must suspend for a period of five years the license of a bail bondsman, his associates, affiliates, or runners who refer defendants to attorneys. However, nothing contained in this section shall be construed to prohibit a bail bondsman, his associates, affiliates, or runners from indicating to a defendant that he should contact an attorney for professional assistance, as long as the bail bondsman, his associates, affiliates, or runners do not mention or in any other manner suggest or indicate a particular attorney or law firm by name.

SECTION 38-53-110. Financial statement required; examination.

In addition to the other requirements of this chapter, an applicant for a professional bondsman's license shall furnish annually a detailed financial statement under oath and in a form as the director or his designee may require. The statement is subject to the same examination as is prescribed by law for domestic insurance companies.

SECTION 38-53-120. Additional requirements of runners.

In addition to the other requirements of this chapter, an applicant for a license to be a runner shall show affirmatively that:

(a) the applicant will be employed by only one bail bondsman who shall supervise the work of the applicant and is responsible for the runner's conduct in the bail bond business;

(b) the application is endorsed by the appointing bail bondsman who shall obligate himself in the application to supervise the runner's activities.

SECTION 38-53-140. Expiration of license; renewal license.

All licenses issued pursuant to the provisions of this chapter expire annually on June thirtieth unless revoked or suspended prior to that time by the director or his designee or upon notice served upon the director or his designee that the employer of any runner has canceled the licensee's authority to act for the employer.

A renewal license must be issued by the director or his designee to a licensee who has met the continuing education requirements in Section 38-53-85(A) upon the payment of a renewal fee of two hundred dollars for runners and four hundred dollars for professional bondsmen, but the licensees are required in all other respects to comply with the provisions of this chapter. After the receipt of the licensee's application for renewal, the current license continues in effect until the renewal license is issued or denied for cause.

SECTION 38-53-150. Denial, suspension, revocation, or refusal to renew license; monetary penalty.

(A) The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:

- (1) for any cause sufficient to deny issuance of the original license;
- (2) violation of any laws of this State relating to bail in the course of dealings under the license issued to a bondsman or runner by the director or his designee;
- (3) material misstatement, misrepresentation, or fraud in obtaining the license;
- (4) misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license;
- (5) fraudulent or dishonest practices while conducting business as a licensee;
- (6) conviction of a felony within the last ten years regardless of whether the conviction resulted from conduct in or related to the bail bond business;
- (7) failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department;
- (8) when in the judgment of the director or his designee the licensee has in the conduct of his affairs under the license demonstrated incompetency or untrustworthiness, that he is no longer in good faith carrying on the bail bond business, or that he is guilty of rebating, offering to rebate, or offering to divide the premiums received for the bond;
- (9) for failing to pay any judgment or decree rendered on any forfeited undertaking in any court of competent jurisdiction;
- (10) for charging or receiving as premium or compensation for the making of any deposit or bail bond any sum in excess of that permitted by this chapter;

(11) for requiring as a condition of his executing a bail bond that the defendant agree to engage the services of a specified attorney.

(B) The director or his designee, in lieu of revoking or suspending a license in accordance with the provisions of this chapter, in any one proceeding, by order, may require the licensee to pay to the director or his designee to be deposited in the general fund of the State a monetary penalty as provided in Section 38-2-10(2) for each offense. Upon failure of the licensee to pay the penalty within twenty days after the mailing of the order, postage prepaid, registered, and addressed to the last known place of business of the licensee, unless the order is stayed by an order of a court of competent jurisdiction, the director or his designee may revoke the license of the licensee or may suspend the license for a period as he determines.

(C) A professional or surety bondsman or runner whose license has been revoked cannot be issued another license for a period of one year and must meet all requirements under this chapter prior to relicensing by the department.

SECTION 38-53-160. Notice and hearing required; right to appeal.

No license may be refused, suspended, or revoked, or renewal refused, except on reasonable notice and opportunity to be heard afforded the person licensed or seeking renewal of the license. Any applicant for a license as a professional or surety bondsman or runner whose application has been denied or whose license has been suspended or revoked, or renewal of the license denied, has the right of appeal from the final order of the director or his designee to the Administrative Law Judge Division as provided by law.

SECTION 38-53-170. Unlawful acts.

No bondsman or runner may:

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

(d) 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) 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) 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) advise or assist the principal for the purpose of forfeiting bond.

SECTION 38-53-180. Receipt for collateral required.

When a professional or surety bondsman accepts collateral, he shall give a written receipt for the collateral. This receipt shall give in detail a full description of the collateral received.

SECTION 38-53-190. Certain persons not allowed to be surety; exceptions.

No sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of any court of this State, or other public employee assigned to duties relating to the administration of the court may become a surety on a bail bond for any person. No person covered by this section may act as agent for any bonding company or professional bondsman, nor may he have an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsmen. Nothing in this section prohibits any person designated above from being a surety upon the bond of his spouse, parent, brother, sister, child, or descendant.

SECTION 38-53-200. Power of attorney.

A professional or surety bondsman may not sign or countersign blank bail bonds, nor may he give a power of attorney to, or otherwise authorize, anyone to countersign his name to bonds unless the authorized person is a licensed bondsman or runner directly employed by the bondsman giving power of attorney. Copies of all the powers of attorney and revocations of the powers of attorney must be filed immediately with the department and the clerk of the circuit court of the county in the state where the bondsman giving the power of attorney is currently writing or is obligated on bail bonds.

SECTION 38-53-210. Insurers shall supply list of surety bondsmen; termination of appointment.

Each insurer appointing surety bondsmen, shall, prior to July first of each year, furnish the clerk of court a list of all surety bondsmen appointed by the insurer to write bail bonds on its behalf. Each insurer who subsequently appoints a surety bondsman in the State shall give notice of the appointment to the director or his designee and clerk of court of any county where the bondsman is doing business. All appointments are subject to the issuance of the proper insurance agent's license to the appointee.

An insurer terminating the appointment of a surety bondsman shall file written notice of the termination with the department, together with a statement that it has given or mailed notice to the surety bondsman and to the clerks of the circuit courts of the counties in the State where the insurer has been obligated on bail bonds through the agent within the past three years. Notice filed with the department shall state the reasons, if any, for termination. Information so furnished the director or his designee is privileged and may not be used as evidence in, or as the basis for, any action against the insurer or any of its representatives. All bonds written by a surety bondsman shall have attached the individual power of attorney in the amount of the bond.

SECTION 38-53-220. Requirement upon professional or surety bondsmen who discontinue writing bail bonds.

A professional or surety bondsman who discontinues writing bail bonds during the period for which he is licensed shall notify the clerks of the circuit courts with whom he is registered and return his license to the director or his designee for cancellation within thirty days after

SECTION 38-53-230. Professional bondsmen to supply list of runners; termination of appointment.

Every person licensed as a professional bondsman may appoint as runner any person who has been issued a runner's license. Each bondsman shall before July second of each year furnish to the clerk of court of each county where he is doing business and the director or his designee a list of all runners appointed by him. Each bondsman who, subsequent to the filing of this list, appoints additional persons as runners shall file written notice with the clerk of court of each county where he is doing business and the director or his designee of the appointment.

A bondsman terminating the appointment of a runner shall file written notice of the termination with the clerk of court and the director or his designee together with a statement that he has given or mailed notice to the runner. Notice filed with the clerk of court and the director or his designee shall state the reasons, if any, for termination. Information so furnished the director or his designee is privileged and may not be used as evidence in any action against the bondsman.

SECTION 38-53-240. Substitution of bail by sureties.

If money or bonds have been deposited, bail by sureties may be substituted for deposit at any time before a breach of the undertaking by filing a new undertaking with the court executed by the defendant and the sureties. The official taking the new bail shall make an order that the money or bonds be refunded to the person depositing them. They must be refunded accordingly, and the original undertakings must be canceled.

SECTION 38-53-250. Requirements for discharge of custody; substitution of undertaking.

When the defendant has been admitted to bail, he, or another in his behalf, may deposit with an official authorized to take bail a sum of money or nonregistered bonds of the United States, of the State, or of any county, city, or town within the State, equal in market value to the amount of the bail, together with his personal undertaking, and an undertaking of any other person, if the money or bonds are deposited by that person. Upon delivery to the official, in whose custody the defendant is, of a certificate of deposit, he must be discharged from custody.

When bail other than a deposit of money or bonds has been given, the defendant or the surety may, at any time before a breach of the undertaking, deposit the sum mentioned in the undertaking, and, upon deposit being made, accompanied by a new undertaking, the original undertaking is canceled.

SECTION 38-53-260. Registration of license and power of appointment.

No professional or surety bondsman may become a surety on an undertaking unless he has registered his current license in the office of the clerk of the circuit court in the county in which

he resides and registered a certified copy of the license with the clerk of the circuit court in any other county in which he writes bail bonds.

A surety bondsman shall also annually register a certified copy of his current power of appointment with the clerk of the circuit court where he resides and in any other county where he writes bail bonds on behalf of an insurer.

SECTION 38-53-270. Professional bondsmen required to maintain security deposits with clerk of court.

Each professional bondsman acting as surety on bail bonds in this State shall maintain security deposits with the clerk of court of the county in which the bondsman has his primary place of business equal to at least one-fourth of the amount of all bonds or undertakings written in this State on which he is absolutely or conditionally liable as of the first day of the current month. A minimum of ten thousand dollars of this collateral shall be in the form of cash deposited with the clerk of court or certificates of deposit pledged to the clerk of court. Any remaining collateral shall be pledges of real estate, the value of which shall be based upon the appraised value by the county tax assessor. The real estate shall be free and clear of any encumbrances based upon a title opinion furnished to the clerk of court by the bondsman.

SECTION 38-53-280. Securities held in trust.

The securities deposited by a professional bondsman with the clerk of court must be held in trust for the sole protection and benefit of the holder of bail bonds executed by or on behalf of the undersigned bondsman in this State. A pro rata portion of the securities must be returned to the bondsman when the clerk of court is satisfied that the deposit of securities is in excess of the amount required to be maintained with him by the bondsman. All the securities must be returned if the clerk of court is satisfied that the bondsman has satisfied, or satisfactory arrangements have been made to satisfy, the obligations of the bondsman on all of his bail bonds written in the State. The clerk of court may sell or transfer any of the securities or utilize the proceeds of the securities for the purpose of satisfying the liabilities of the professional bondsman on bail bonds given in this State on which he is liable.

SECTION 38-53-290. Professional bondsman shall deliver power of attorney to clerk of court; form.

With the securities deposited with the clerk of court, the professional bondsman shall at the same time deliver to the clerk of court a power of attorney on a form supplied by the clerk of

court, executed and acknowledged by the professional bondsman, authorizing the sale or transfer of the securities or any part of the securities. The power of attorney must read as follows:

"Know all men by these presents that I, _____, a professional bondsman, located in the County of _____, in the State of _____, do authorize and appoint for myself and my successors, heirs, and assigns the clerk of court of this county, in the name and in behalf of myself as professional bondsman, my attorney to sell or transfer any securities deposited or that may be deposited by me as professional bondsman with the clerk of court, under the laws and regulations requiring a deposit of securities to be made by professional bondsmen doing business in the State of South Carolina if the sale or transfer is considered necessary by the clerk of court to pay any liability arising under a bond which purports to be given by the undersigned bondsman in any county in this State, and execution has been issued against me as bondsman pursuant to a judgment on the bond, and the judgment has not been satisfied. The securities so deposited are to be held in trust by the clerk of court for the sole protection and benefit of the holder of bail bonds executed by or on behalf of the undersigned bondsman."

In witness whereof, I have set my hand and affixed my seal this ____ day of _____, 19____.

____ (L.S.)

Notary Public

My commission expires:

_____.

SECTION 38-53-300. Reduction in value of securities.

A professional bondsman whose security deposits with the clerk of court are reduced in value below the requirements of Section 38-53-270 shall, immediately upon notice of the deficiency, pledge with the court the additional collateral necessary to comply with Section 38-53-270. No professional bondsman may sign, endorse, execute, or become a surety on any additional bail bonds in any county in this State until he has made the additional deposit of securities as required by the notice of deficiency. The clerk of court has the authority to suspend bonding privileges until the bondsman complies with Section 38-53-270. If the bondsman has any outstanding forfeitures including, but not limited to, license fees and bond estreatments, the clerk of court has the authority to suspend bonding privileges until the bondsman complies with

this section. The clerk shall immediately notify all parties who were originally notified of the suspension of the bondsman's compliance with this section.

SECTION 38-53-310. Written report to be filed with clerk of court.

Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month showing:

- (a) each individual bonded;
- (b) the date the bond was given;
- (c) the principal sum of the bond;
- (d) the state or local official with whom the bond was filed;
- (e) the fee charged for the bonding service in each instance; and
- (f) all pending bonds.

SECTION 38-53-320. Examination by professional and surety bondsman.

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 bondsman subject to the provisions of this chapter. For this purpose, 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 38-53-330. Limitations on acting as surety.

No professional bondsman may act as a surety on any bail bond whose principal sum is in excess of one-half of the value of the securities deposited with the clerk of court at that time.

SECTION 38-53-340. Penalty for violation of chapter.

A person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

Frequently Asked Questions

Bail Bonds Generally

If your friend or loved one has been arrested, you will likely require the services of a bail bonds agent. A bail bonds agent is a person who extends money on behalf of the arrested defendant. The pledging of money in order to ensure that a defendant appears in court on the date designated is governed by state bail bonds law. Bail bonds are available throughout the United States.

Bail bonds are especially helpful when your friend or loved one has been arrested and you are unable to pay for the full amount of the defendant's bail. Bail bonds are designed to ensure the speedy release of a criminal defendant despite the fact that neither the defendant nor his friends or loved ones are able to afford the cost of bail.

Subject to the particularities of your bail bonds agreement, a bail bonds agent will post a bail bond with the court. As is usually the case, the bail bonds posted by a bail bonds agent will ensure that the various criminal defendants for which he or she vouches for will appear in court on the date set by the court.

What is a Bail Bondsman or Bail Bond Agent?

A bail bondsman, sometimes referred to as a bail bond agent, is a person that promises to be liable for the debt obligation of another (i.e. a surety). The bondsman pledges funds as bail, which ensures that the defendant will appear at court hearings.

How does a Bail Bondsman or Bail Bond Agent Make Money?

The source of a bondsman's revenue stream is the fee/premium he charges, which is typically a percentage of the amount of bail. Some court system's attempt to circumvent a bondsman by

allowing a criminal defendant to make a cash deposit with the court, in an amount substantially smaller than the exact amount set for bail.

What Happens When a Criminal Defendant Does Not Appear In Court?

When a criminal defendant fails to make his court appearance, the bondsman may bring the defendant to court in order to recover the funds the bondsman pledged. This is typically accomplished by way of a bail enforcement agent or runner.

What is an Indemnitor or Co-Signor and What is The Extent of His Liability?

An indemnity or co-signor is a person, typically related to the criminal defendant, who guarantees that the criminal defendant will appear in court. If the defendant fails to appear, the bondsman may sue the indemnity (as well as the defendant) for any forfeited funds. If you are considering co-signing for a defendant's bail bond, you need to consider the likelihood of defendant's failure to appear in court. This is an important decision that should not be taken lightly.

What is The Basic Bail Bond Process?

Once someone, typically close to the criminal defendant, contacts a bondsman, the bondsman will document the case. The information the bondsman will take down will include the defendant's employment information and where he lives. The bondsman obtains such information in order to ascertain whether he wants to perform his services for the defendant.

Once the bail bond agreement is signed, the bondsman will post the bond where the defendant is being held. The defendant will then be released. The entire process can be completed within several hours after the criminal defendant has been arrested and booked. As part of the arrest and booking process, the criminal defendant's bail will be set, his fingerprints will be taken and a background check will be performed. The criminal defendant will be searched and their belongings will be documented in inventory. The defendant will then be taken to his cell.

Why It's Important to Know Your Rights?

Some bondsman may try to take advantage of you by offering to post a bail bond that involves a low-rate, that is too good to be true. In many states, such as California, the amount a bondsman may charge is heavily regulated. It is possible that such a bondsman is trying to swindle you.

What Options Are Available to the Defendant Other Than Bail?

As discussed above, the defendant or someone on the defendant's behalf may either obtain a bail bond.

Alternatively, the criminal defendant may be released on bail when someone on his behalf provides cash or a cashier's check. Depending on the forms required, the source of the funds may need to be documented to insure the funds were not illegally obtained. Once the defendant has appeared and the matter has been resolved, the amount paid will be refunded. Obviously, paying your own bail is likely your best option, but is sometimes unavailable where the amount of bail is set too high for the defendant.

In some jurisdictions, a criminal defendant may post a property bond directly with the court. This process may take several weeks, however. Failure to adhere to the court's requirements could result in the court's foreclosing on the property, typically a home.

Sometimes defendants may be released on their Own Recognizance. Whether this is available depends on the judge and the particular case.

What is The Role of a Bail Enforcement Agent in The Context of Bail Bonds?

There are references to bounty hunters throughout popular culture. In movies, television shows and the like, bail enforcement agents are often depicted as working side by side with bail bonds companies and bail bonds agents. The depictions often vary, depending on the amount of Hollywood spin is placed on their role. However, one thing remains universally true about bail enforcement agents and bail bonds enforcement agents. A bail enforcement agent or runner is a person who essentially captures defendants who have skipped out on bail. Bail enforcement agents usually attempt to enforce bail bond agreements by capturing people who are deemed fugitives.

On the whole, the concept of bounty hunters and bail bonds enforcement agents is exclusive to the United States. The vast majority of bounty hunters in the United States are employed directly by bail bondsmen or bail bonds agents who have extended a bail bond to a person who is now a fugitive. Although the amount of pay that a bounty hunter receives varies depending on the particular set of circumstances, most bail bonds agencies pay bounty hunters approximately ten percent of the bail bond amount that the defendant paid.

In the event that a bail bonds enforcement agent (or runner) is unable to obtain custody of the fugitive, the bail bonds agent remains responsible for the remaining amount of bail owed. Although there is no overarching institution that keeps track of the effectiveness of bail bonds enforcement specialists, runners are said to have approximately a 90% success rate in capturing fugitives who have skipped out on bail.

Although the rules concerning bail bonds and bail bonds agents are fairly well regulated, despite the fact that they vary from state to state, the rules concerning bail bonds enforcement agents are far less uniform. Depending on the particular state, a bail bonds enforcement agent may not require any professional training, whereas other states require that bail bonds recovery specialists undergo formal training. Either way, bail bonds recovery agents are required to adhere to both Federal and state laws. The state laws within which a bail bonds agent and bail bonds recovery specialist operate are of particular importance in the context of extending bail bonds and capturing a fugitive who has jumped bail.

Lastly, bail bonds enforcement agents are typically not allowed to carry firearms unless they have the appropriate documentation and permits. In most states, being a bail bonds enforcement agent does not, by itself, provide a particular bail bonds enforcement specialist with the authority to carry a handgun.

Insurance Companies which Underwrite Bail Bonds

Accredited Surety & Casualty Company, Inc. Lic. No#100318

Post Office Box 40855
Orlando, FL 32814
Phone: 800-432-2799
Contact Person: Valerie Harvey
Email: Valerie.harvey@accredited-inc.com

Allegheny Casualty Company Lic. No#101245

Post Office Box 9810
Calabasas, CA 91372
26560 Agoura Road, Ste. 100
Calabasas, CA 91302
Phone: 800-935-2245
Contact Person: Agent Support Team
Email: Agentsupportteam@aiaSurety.com

American Contractors Indemnity Company Lic. No#142473

601 S. Figueroa Street, Ste. 1600
Los Angeles, CA 90017
Phone: 800.680.2245
Contact Person: Vanessa Wright
Email: vwright@hcc.surety.com

American Safety Casualty Insurance Company Lic. No#100339

200 E. Lexington Street, Ste.501
Baltimore, MD 21202
Phone: 888.888.2245
Contact Person: Jarre Weinstein
Email: jwinstein@lexingtonnational.com

American Surety Company Lic. No#141273

3905 Vincennes Rd, Ste 200
Indianapolis, IN 46268
Phone: 800.969.1827
Contact Person: Heidi Jeffs
Email: Hjeffs@asc-usi.com

Bankers Insurance Company Lic. No #100308

11101 Roosevelt Blvd., North
St. Petersburg, FL 33716
Phone: 800.627.0000 X4437
Contact Person: Janet Bell
Email: JMBell@bankersinsurance.com

Crum & Forster Indemnity Company

10350 Richmond Avenue, Suite 300
Houston, TX 77042
Phone: 713-954-8138
Contact Person: Kristina Cegbe
E-mail: kcegbe@cfins.com

Fairmont Specialty Insurance Company (formerly Ranger Insurance) Lic. No#100237

Post Office Box 2807
Houston, TX 77252-2807
Phone: 800.392.1970 X38372
Fax: 800-881-7138
Contact Person: Eileen McCollum
Email: EMcCollum@fairmontspecialty.com

Financial Casualty & Surety, Inc. Lic. No#156050

Post Office Box 4479
Houston, TX 77210-4479

Phone: 877.737.2245
Contact Person: J. Duncan
Email: Jduncan@fcsurety.com

Indiana Lumbermens Mutual Insurance Company

3600 Woodview Trace, Post Office Box 68600
Indianapolis, IN 46268
Phone: 800.969.1827
Contact Person: Heidi Jeffs
Email: Hjeffs@asc-usi.com

International Fidelity Insurance Co. Lic. No#100906

One Newark Center, 20th Floor
Newark, NJ 07102-5207, Post Office Box 9810
Calabasas, CA 91372
Phone: 800.935.2245
Fax: 818-449-7150
Contact Person: Carla Espinosa
Email: Carla.Espinosa@aiaSurety.com

Lexington National Insurance Corp. Lic. No#158929

200 E. Lexington Street, Ste.501
Baltimore, MD 21202
Phone: 410-625-0800
Fax: 410.625.0865
Contact Person: Jarre Weinstein
Email: Jweinstein@lexingtonnational.com

Lexon Insurance Company

701 Brazos Street, Ste1500
Austin, TX 78701-3293
Phone: 615-690-0350
Fax: 502-253-6570
Contact Person: Andrew Renshaw
Email: ARenshaw@Lexonsurety.com

North River Insurance Company #100903

10350 Richmond Ave, Ste 300
Houston, TX 77042
Phone (713) 954-8100
Fax: (713) 954-8389
Contact Person: Eileen McCollum
Email: EMcCollum@fairmontspecialty.com

Palmetto Surety Corp. Lic. No #156064

109 River Landing Drive, Suite 200
Charleston, SC 29492
Phone: 843-971-5441
Fax: 843-971-5419
Contact Person(s): Colleen Handy, Rhonda Bell, Scott Willis
Email: Chandy@palmettosurety.net; RBell@palmettosurety.net; SWillis@palmettosurety.net

Roche Surety & Casualty Company, Inc. Lic. No #144553

1910 Orient Road
Tampa, FL 33619
Phone: 813.623.5042
Fax: 813-623-5939
Contact Person: Tara Hinson
Email: Tara@rochesurety.com

Safety National Casualty Corp. Lic. No#100822

1832 Schuetz Road
St. Louis, MO 63146
Phone: 314.995.5300
Contact Person: Jacki Jasperson
Email: Jacki.jasperson@safetynational.com

Seaview Insurance Company d /b/a Aladdin Bail Bonds

1000 Aviara Parkway, Suite 300
Carlsbad, CA 92011
Phone: 800-808-2245
Contact Person(s): Joseph Pinney
Phone: 760-692-9205
Email: jpinney@tritonmsllc.com; mboykin@tritonmsllc.com

Seneca Insurance Company, Inc. Lic. No#100980

160 Water Street 16th Floor
New York, NY 10038
Phone: 212.344.3000
Fax: 212-344-4567
Contact Person: Lois Noia
Email: LNoia@senecainsurance.com

Sun Surety Insurance Company

21 Main Street
Rapid City, SD 57701
Phone: 605-348-1000
Fax: 605-348-0778
Contact Person(s): Patrick Wood or Michael Wood
Email: P.Wood@sunsuretybail.com; M.Wood@sunsuretybail.com

United State Fire Insurance Co. Lic No#100926

Post Office Box 1973
Morristown, NJ 07960
Phone: 973 490.6600
713-954-8353
Fax: 800-388-1914
Contact Person: Michael Ziemer
Email: mziemer@cfins.com

Universal Fire & Casualty Insurance Co. Lic. No#162066

3214 Chicago Drive
Hudsonville, MI 49428
Phone: 800.874.8742
Fax: 616-662-4460
Contact Person: Susan Ulberg
Email: Susan@universalbail.com

U.S. Specialty Insurance Company Co. Lic. #100655

601 S. Figueroa Street, Ste. 1600
Los Angeles, CA 90017
Phone: 310-649-0990 Ext.1130
Contact Person: Vanessa Wright
Email: VWright@hcc.com

(Revised 6/7/17)

South Carolina Department of Insurance
Capital Center, 1201 Main Street, Suite 1000
Columbia, SC 29201

PROFESSIONAL BONDSMAN FINANCIAL STATEMENT

Name: _____ License .No# _____

Current Mailing Address: _____

Business Address: _____

Hm. Phone: _____ Bus. Phone: _____

To: **Director of Insurance, State of South Carolina**

This form is being utilized for the purpose of **obtaining\renewing (circle appropriate category)** a professional bondsman's license in accordance with Chapter 53, Title 38, Code 38-53-110, the undersigned makes the following statement of my financial condition as of the day of _____, 20____,, (**Applicant only: date selected must be within 45 days preceding application**) and certifies that the information hereinafter set forth is in all respects true, accurate, and complete and correctly reflects the financial condition of the undersigned on the date aforementioned. (**Licensee only: This form must be submitted to the Department by March 1st of each year**)

FILL ALL BLANKS, writing "No" and "None" where necessary to complete information. If no additional space is needed, complete answers on additional sheets of paper and attach hereto.

ASSETS

- 1. Cash on hand and in Bank \$ _____
- 2. Notes and accounts receivable \$ _____
- 3. Bond, Stocks and other securities owned \$ _____
- 4. Mortgages owned \$ _____
- 5. Cash Surrender value of life insurance \$ _____
- 6. Deposit Held by Clerk of Court..... \$ _____
- 7. Other assets:
_____ \$ _____
- 8. Total Assets..... \$ _____

LIABILITIES

- 1. Accounts Payable..... \$ _____
- 2. Notes Payable to Bank and others..... \$ _____
- 3. Real Estate Mortgage Payable..... \$ _____
- 4. Interest and taxes due and unpaid..... \$ _____
- 5. Loan payable on life insurance \$ _____
- 6. Outstanding judgments \$ _____
- 7. Assets pledged as surety \$ _____
- 8. Other debts and liabilities (not listed)
_____ \$ _____
_____ \$ _____
_____ \$ _____

9. Total Liabilities \$_____

My total pending liabilities as endorser, professional bondsman as of 12/31/ 20____

\$_____ . 00

BONDS STOCKS AND OTHER SECURITIES OWNED

1. Name and location of corporation: _____

2. Nature of business: _____

3. Par Value of number of shares _____ \$ _____

4. Market of estimated value _____ \$ _____

REAL ESTATE OWNED

1. Brief description of property (nature location and improvements including number of acres, if farm land)	Assessed	Fair	Mortgages
---	----------	------	-----------

_____	\$ _____	\$ _____	\$ _____
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2. Title to real estate listed above is recorded in bondsman's name, except as follow:

3. Taxes on real estate listed above has been paid in full to:

4. Interest on mortgage and other liens payable has been paid in full to:

NOTES PAYABLE

To Whom Payable	Amount	Due Date
_____	\$ _____	\$ ____/____/____
_____	\$ _____	\$ ____/____/____
_____	\$ _____	\$ ____/____/____
_____	\$ _____	\$ ____/____/____
_____	\$ _____	\$ ____/____/____
_____	\$ _____	\$ ____/____/____

PLEDGED ASSETS

Assets included above which have been pledged or hypothecated and the specific notes, mortgages, or other deeds secured by these assets.

Description of assets pledged Value Description of liability secured Amount and to whom payable:

_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

INCOME

Interest and Dividends received..... \$ _____

Other income from:

_____	\$ _____
_____	\$ _____

Gross Income: \$ _____

Taxes paid during the year \$ _____

Interest Paid \$ _____

Repairs \$ _____

Other Business Expenses
_____ \$ _____

_____ \$ _____

Total Business Expenses \$ _____

Net Income (Gross Income minus Total Business Expenses) \$ _____

OCCUPATIONAL INFORMATION

1. Print Name: _____

2. Firm /Agency Name: _____

2. License Number: _____

3. _____
City State Zip Code

I hereby certify that the foregoing information and statement of financial conditional is true and correct to the best of my knowledge and belief, and that I am submitting the statement, as of _____, 20____, as requested by the South Carolina Department of Insurance.

Sworn to and subscribed before me this _____ day of _____, 20_____

Bondsman's Signature _____

Notary Public for State of South Carolina

My Commission Expires: _____

BB1106
(Revised 03/2016)

**SOUTH CAROLINA BAIL BONDSMEN
PRELICENSING EDUCATION COURSE SPONSORS**

Frank Richardson
Upstate Academy
21256 Hwy 76 East
P. O. Box 208
Laurens, SC 29360
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Joseph Lowe
South Carolina Bail Bond School
115 Elk Avenue
Rock Hill, SC 29730
(803) 327-3733
Bail Bondsmen (30 hrs) Classroom

Ned L. Polk, Sr.
Polk Bail Bond School
2230 Dunlap Roddey
Rock Hill, SC 29730-8644
(866) 790-2433 / (803) 366-1111
polk@polkbailbondschoo.com and/or polkbailbondschoo.com
Bail Bondsmen (30 hrs) Classroom

Neva Steffens
Apex Surety & Bonding School Pre-Licensing
6 Azalea Court

Greenville, SC 29615
(864) 241-8602
Bail Bondsmen (30 hrs) Classroom

Rhonda Trotter

Trotter Sureties Group
111 McGhee Street
Greenville, SC 29601
(864) 233-3076
Bail Bondsmen (30 hrs) Classroom

Donald Mescia, III

South Carolina Bail Agents Academy
P. O. Box 739
Walterboro, SC 29488
(843) 542-2600
dmbail@outlook.com
Bail Bondsmen (30 hrs) Classroom

ORIGINAL