



South Carolina Bail Bond License Types

There are three (3) bail bond license types issued by this agency for which you may apply for.

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 pledged 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 estate 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 licensed 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, received 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 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 execute 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(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.”

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 within the last ten (10) years.

Certain Persons are not Allowed to be a 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. Before you apply online:
 - a. Complete the Bondsman and Runner 30-hour Pre-Licensing education class).
 - i. Contact a Pre-Licensing Sponsor for class schedule (included in package)
 - b. Pass Professional Bondsman/Runner exam.
 - i. Contact testing administrator to sign up for testing.



2. Apply online:
 - a. Apply through www.nipr.com.

You must have a valid email address at all time.

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 attached). Contact the Agent's Licensing Division at 803-737-6095 for instructions on obtaining a limited lines surety producer license.

3. After you apply online:
 - a. Contact 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 38, C.F.R 16.34.

Required Documents to Submit to the Department

1. Copy of Pre-Licensing Class Certificate
2. One passport-size full face photo
3. Proof of \$10,000 pledge (only applies to applicant seeking a professional bondsman license)
4. Appointment of Runner and/or Power of Attorney completed by professional and/or surety bondsman (only applies to applicant seeking runner license)

Continuing Education Requirements

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

License Application Review

After the SC DOI 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 IdentoGo.

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 SBS.



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 our application denial.

Frequently Asked Questions

1. What are the types of bondsman licenses issued in South Carolina?

There are three types of bondsman licenses issued by the South Carolina Department of Insurance:

Professional Bondsman

Surety Bondsman

Runner Bondsman

2. What are the requirements to become licensed as a bondsman or runner in the state of South Carolina?

An applicant must be 18 years old or older, a resident of South Carolina, and a person of good moral character who has not been convicted of a felony or crime involving moral turpitude within the last 10 years, has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director of insurance that he or she possesses the competence necessary to fulfill the responsibilities of a licensee. (South Carolina Code Section 38-53-90)

3. Are there any educational requirements?

Yes. The total number of pre-licensing educational hours required for a professional bondsman and runner is 20 hours. The total number of pre-licensing educational hours for a surety bondsman is 60 hours, since these bondsmen are licensed as insurance agents. (South Carolina Code Section 38-53-85)

4. Are there any fees required of bondsmen?

Yes. Professional bondsmen and surety bondsmen are required to pay the clerk of court of his or her home county the sum of \$150 annually for each licensee. There are no fees for runner bondsmen in their home county. Each professional bondsman, surety bondsman, and runner is required to pay any other county where he or she is doing business the sum of \$100 to the clerk of court. (South Carolina Code Section 38-53-100)

5. How much money must a professional bondsman pledge to his or her home county to write bail bonds?

Each professional bondsman must maintain a minimum of \$10,000 in the form of a cash deposit or certificates of deposit. (South Carolina Code Section 38-53-270)

6. If a professional bondsman pledges the minimum deposit of \$10,000, how much can he/she write in bail bonds?

A bondsman can write four times the amount of collateral pledged to his/her home county clerk of court. Example: \$10,000 pledged as collateral will allow the bondsman to write up to \$40,000 in bail bonds. (South Carolina Code Section 38-53-270)

7. Are surety bondsmen required to pledge collateral?

Yes, surety bondsmen pledge a power of attorney that is issued by the surety insurance company. (South Carolina Code Section 38-53-260)

8. Can I become a surety without obtaining a license from the Department of Insurance?

Yes, you can become a surety on a bond without being issued a license from the Department of Insurance. This is called an "accommodation bondsman" However, you must be 18 years of age, a resident of this state, and provide satisfactory evidence of ownership, value, and marketability of real property by pledging your collateral with the clerk of court. You cannot



receive or promise money or other things of value for this service. (South Carolina Code Section 38-53-10(1))

9. What is the fee for a bondsman license?

The fee for a professional bondsman license is \$400 and \$200 for a runner bondsman license. (South Carolina Code Section 38-53-100(A & B).

10. What fee may a bondsman charge to the public?

The fee that a bondsman can charge to the public may not be less than \$25 and may not exceed 15% of the face amount of the bond. (South Carolina Code Section 38-53-170 (E))

11. Can a bondsman accept collateral?

Yes, a bondsman is permitted to accept collateral security or other indemnity from the principal, which must be returned to the principal once the case has been disposed of by the court. A written receipt (full description) for the collateral taken must be given. (South Carolina Code Section 38-53-170 (E))

12. Is it required that a bondsman furnish a listing of bail bonds written to the clerk of court?

Yes, each professional bondsman is required to furnish his/her home county clerk of court and any other county where he/she is doing business a written report of all bonds he/she is liable for as of the first day of each month. This report must be submitted to the county clerk of court by the 15th day of each month. (South Carolina Code Section 38-53-230)

13. Can a person be licensed as both a professional bondsman and a surety bondsman?

Yes, however, if you desire to become license as a surety bondsman, you must first obtain a producer license and receive an appointment from a licensed insurance carrier.

14. When does a bondsman or runner license expire?

All licenses expire on June 30 of each year. (South Carolina Code Section 38-53-140)

15. What happens if a bondsman exceeds his bonding limitation?

A bondsman who exceeds his limitation may not sign, endorse, execute, or become a surety on any additional bail bonds or pledge or deposit any cash, check, or other security of any nature in lieu of a bail bond in any county in this state until he has made the additional deposit of securities. (South Carolina Code Section 38-53-300)

16. Who has the power to enforce the laws that govern bail bondsmen?

The Department of Insurance, clerk of court, and the State Law Enforcement Division (SLED) have full power and authority to enforce the provisions of Chapter 53. (South Carolina Code Section 38-53-20)

17. Can a runner bondsman work for more than one bail bondsman?

No. A runner bondsman can only work for one bail bondsman at a time who shall supervise the work of the runner and is responsible for the runner's conduct in the bail bond business. (South Carolina Code Section 38-53-120)

18. Are bondsmen subject to be audited by the Department of Insurance?

Yes. All bondsmen are subject to the same examination procedures prescribed by law for domestic insurance companies. The Department of Insurance has free access to all books and records of the bondsman as it relates to his bail bond business. (South Carolina Code Section 38-53-110)

19. What happens if a bondsman stops writing bail bonds?

A bondsman who discontinues writing bail bonds during the period he/she is licensed should notify the clerk of court(s) with whom he/she is registered and return his/her license to the Department of Insurance within 30 days after discontinuance of writing bail bonds. (South Carolina Code Section 38-53-220)



20. What is the total number of continuing educational hours required for a bondsman or runner to renew their license?
In addition to other requirements, each bondsman and runner is required to complete 8 hours of continuing education to renew their license. (South Carolina Section Code 38-53-85)
21. Can runners write bonds?
Yes. Runners are given a power of attorney from professional bondsmen to write bonds on their behalf. (South Carolina Code section 38-53-10)
22. Is bounty hunting legal in South Carolina?
No. No one can perform bail bondsman functions without first being licensed.
23. Are there any educational requirements?
Yes. The total number of hours required for a bondsman or runner is 30 pre-licensing hours. (South Carolina Code Section 38-53-85). The total number of continuing education hours for a bondsman or runner is 8 CE hours. (South Carolina Code Section 38-53-85)
24. Are there any fees required for a bondsman or runner?
Yes. a professional and surety bondsman is required to pay the clerk of court of his home county the sum of \$150 annually for each licensee. There are no fees for a runner bondsman in his home county. Each bondsman, and runner is required to pay any other county where he is doing business the sum of \$100 to the clerk of court. (South Carolina Code Section 38-53-100)
25. Are there any fees required of a bondsman or runner?
Yes. A professional and surety bondsman are required to pay the clerk of court of his home county the sum of \$150 annually for each licensee. There are no fees for a runner bondsman in his home county. Each bondsman and runner is required to pay any other county where he or she is doing business the sum of \$100 to the clerk of court. (South Carolina Code Section 38-53-100)
26. If a professional bondsman pledge \$10,000, how much can he write in bail bonds?
A bondsman must maintain one-fourth the value of each bond written in securities with his home county clerk of court. Example: \$10,000 bond executed will require a professional bondsman to have \$2,500 in securities held in trust by the clerk of court. (South Carolina Code Section 38-53-270)
27. Are surety bondsmen required to pledge collateral?
No. All bonds written by a surety bondsman must attach a power of attorney in the amount of the bond set by the court. (South Carolina Code Section 38-53-260)

Insurance Companies Which Underwrite Bail Bonds

Accredited Surety & Casualty Company, Inc
Post Office Box 140855
Orlando, FL 32814
(407) 629.2131

Allegheny Casualty Company
1 Newark Center, 20th Floor
Newark, NJ 07102
(973) 627.7200

American Contractors Indemnity Company
601 S Figueroa Street, Suite 1600



Los Angeles, CA 90017
(310) 242.6259

American Surety Company
Post Office Box 68932
Indianapolis, IN 46268
(317) 875.8700

Bankers Insurance Company
Post Office Box 15707
St Petersburg, FL 33733
(727) 823.4000

Crum & Forster Indemnity Company
305 Madison Avenue
Morristown, NJ 07962
(973) 490.6600

Financial Casualty & Surety, Inc
Post Office Box 4479
Houston, TX 77210
(713) 580.6402

International Fidelity Insurance Company
1 Newark Center, 20th Floor
Newark, NJ 07102
(973) 624.7200

Lexington National Insurance Corporation
Post Office Box 6098
Lutherville, MD 21094
(410) 625.0800

North River Insurance Company
Post Office Box 1973
Morristown, NJ 07960
(973) 490.6600

Palmetto Surety Corporation
109 River Landing Drive, Suite 200
Charleston, SC 29492
(843) 971.5441

Roche Surety & Casualty Company, Inc
4107 North Himes Ave, 2nd Floor
Tampa, FL 33607



(813) 623.5042

Seaview Insurance Company
1000 Aviara Parkway, Suite 300
Carlsbad, CA 92011
(760) 692.9214

Seneca Insurance Company, Inc
160 Water Street, 16th Floor
New York, NY 10038
(212) 344.3000

Shelmore Surety, LLC
361 North Shelmore Boulevard
Mt. Pleasant, SC 29464
(843) 352.2203

Sun Surety Insurance Company
Post Office Box 2373
Rapid City, SD 57709
(605) 348.1000

US Specialty Insurance Company
13403 Northwest Freeway
Houston, TX 77040
(713) 744.3700

United States Fire Insurance Company
Post Office Box 1973
Morristown, NJ 07960
(973) 490.6600

Universal Fire & Casualty Insurance Company
3214 Chicago Drive
Hudsonville, MI 49426
(616) 662.3900

South Carolina Bail Bondsmen Pre-Licensing Education Course Sponsors
Upstate Academy
Frank Richardson
Post Office Box 208
Laurens, SC 29360
(864) 682.2245

Polk Bail Bond School



Ned Polk Sr
2230 Dunlap Roddey
Rock Hill, SC 29730
(803) 366.1111

South Carolina Bail Agents Academy
Donald Mescia III
Post Office Box 739
Walterboro, SC 29488
(843) 542.2600

Apex Surety & Bonding School Pre-Licensing
Neva Steffens
6 Azalea Court
Greenville, SC 29615
(864) 241.8602

Trotter Sureties Group
Rhonda Trotter
111 McGhee Street
Greenville, SC 29601
(864) 233.3076

Title 38 - Insurance

Chapter 53 - Bail Bondsmen and Runners

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)(1) An applicant for a license to work as a professional bondsman, surety bondsman, or runner must complete not less than thirty 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. An applicant must pass the examination before he can be licensed.

(2) A person licensed as a professional bondsman, surety bondsman, or runner annually must complete not less than eight hours of continuing education in subjects related to the duties and responsibilities of a professional and surety bondsman or runner before his license may be renewed. The continuing education courses may not include a written or oral examination. The eight-hour annual requirement is in addition to the twenty-four hour continuing education requirement for surety insurance agents required in 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 thirty hours of education but must complete eight hours of continuing education courses to have his license renewed.

(C) The South Carolina Bail Agent's Association or another 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 must approve the courses offered and ensure that the courses meet the standards for education established by this section and the department. The course work requirement for licensure may not be satisfied by a mail order course. The department also must approve a written examination to be administered by a group that provides educational courses administered at the conclusion of the thirty-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 Court, to the penalty provided 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 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 38-53-95. Address requirements for bondsman or runner license.

(A) If an individual applies for a professional or surety bondsman or runner license, he shall supply the department his business, email, mailing, and residential street addresses. The bondsman or runner also shall notify the department within thirty days of any change in legal name or any of these addresses.

(B) Failure to inform the director or his designee of a change in legal name or addresses within thirty days is a violation of this title and the bondsman or runner is subject to the penalties provided in Section 38-2-10.

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 Court 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 discontinuance.

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 _____, 20____.

__ (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.

