

CHAPTER 14

Department of Labor, Licensing and Regulation— South Carolina Auctioneers' Commission

Statutory Authority: 1976 Code § 40-6-40

Editor's Note

This chapter and regulations (14-1 through 14-14) became effective July 2, 1978.
Regulations 14-15 through 14-19 became effective May 22, 1980.

14-1. Examinations.

A. Examinations for auctioneers and apprentice auctioneers are to be held in the months of March, June, September and December, unless there are no applications received for a particular examination period. Special examinations shall be administered upon majority vote of the Commission in exceptional circumstances to be determined in the discretion of the Commission.

B. Applications for an examination must be received in proper form in the Commission office at least two weeks prior to the date of a scheduled examination.

C. The examination fee is non-refundable.

D. The examination shall test the applicant's knowledge of:

1. Fundamentals of auctioneering, auctioneer contracts, bid calling, advertisement, ethical practices and mathematics relating to the auction business;
2. The South Carolina Auctioneer law;
3. The South Carolina Uniform Commercial Code as it relates to auction and bulk sales.
4. Regulations of the South Carolina Auctioneers' Commission.

E. Any applicant who shall fail to pass the examination may be re-examined, but no applicant shall be allowed to take the examination within six months after having failed it a second time. Such applicants must submit an application form and pay the required fee.

F. An applicant who takes and fails to pass the examination, may, within fifteen days after he receives the results thereof, request permission to inspect his examination book, together with his examination questions. All requests for permission to inspect examination books shall be in writing and addressed to the Administrator of the Auctioneers' Commission. Within five days of receipt of such request the applicant shall be notified of the date and time when inspection will be permitted. No applicant shall be permitted to copy or remove the examination questions, the sample answers or the examination. Examinations are not contestable. All examination papers shall remain the property of the South Carolina Auctioneers' Commission.

No applicant who passes the examination shall be permitted to inspect his examination, examination questions or the sample answers.

G. The applicants who have passed the examination shall be considered for licensing. The Commission will consider any information before it, including references, with respect to the good moral character of the applicant. In the event the information is not adequate for determination, the Commission may request additional references or information from an applicant, conduct an independent investigation, or request the applicant to appear before the Commission. Action of the Commission will be deferred until it affirmatively appears that the applicant is possessed of the required good moral character. Evidence of less than good moral character would include but is not limited to conviction of any felony or revocation of any professional license.

HISTORY: Amended by State Register Volume 25, Issue 5, Part 2, eff May 25, 2001.

14-2. Reporting of Continuing Education.

A. Four hours of continuing education credit must be reported on each renewal application on a form to be provided by the Commission. All credits must be earned during the previous licensing year and at pre-approved classes. Individuals who have completed auctioneer's school within one year of the renewal application will be deemed to have four hours of continuing education hours.

B. Licensees may apply to the Commission for continuing education credit for activities of service to the industry including, but not limited to, writing articles for professional publications, teaching courses on professional subjects and serving as a hearing officer for professional matters. The burden of demonstrating that the activity is the equivalent of classroom education is placed upon the licensee.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-3. Change of Address.

Licensees shall notify the Commission in writing of each change of address or change of business trade name within ten days of such change. The change of address notification must include a change of address fee.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-4. Display of License.

All licensees shall prominently display their licenses at their business address and the pocket card shall be carried by the licensee whenever he is conducting auction business.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-5. Advertising.

Misleading and untruthful advertising by licensees is prohibited. All advertisements for an auction shall contain the name and license number of the auctioneer or firm conducting the auction. Every advertisement shall clearly indicate that it is the advertisement of an auctioneer or auction firm. An apprentice auctioneer shall not advertise without the approval of the auctioneer-supervisor. Such advertisements must include not only the name and license number of the apprentice auctioneer but also the name and license number of the auctioneer-supervisor.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-6. Allowing Unlicensed Bid Callers.

Licensees are prohibited from allowing an unlicensed bid caller (auctioneer) to cry bids at an auction.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-7. Professional Standards.

Any licensee who evidences incompetence or unprofessional conduct is subject to disciplinary action, suspension, or revocation by the Commission as directed by 40-6-110 and 120, Code of Laws of South Carolina, 1976, (as amended).

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-8. Falsification of Documents.

An applicant who falsifies an application will be denied a license. A licensee who falsifies any document required by the Commission or assists in the falsification of an application or document of another will be subject to disciplinary action, suspension, or revocation by the Commission as directed by 40-6-110 and 120, Code of Laws of South Carolina, 1976 (as amended).

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-9. Declaratory Rulings.

The Commission will promptly dispose of any requests in letter form for declaratory rulings concerning the applicability of any statutory provision or of any rule or order of the Commission.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-10. Promulgation, Amendment, Repeal of Rules.

Any person who is adversely affected by a Commission rule or the absence of a rule may petition the Commission requesting the promulgation, amendment or repeal of a rule. Such petition shall be in letter form. The Commission shall within thirty days either deny the petition in writing, stating the reasons for denial or initiate rule making proceedings.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-11. Written Agreements Relating to Auctions.

A. The Commission shall have the authority to demand a copy of any written agreement or records of an auction which the licensee is required to maintain by 40-6-290, Code of Laws of South Carolina, 1976, (as amended). If the documents relate to an auction being conducted or to be conducted within ten days of demand, the licensee must produce such documents before the auction can proceed. If the documents relate to any other auction, the licensee must produce such documents within ten days of the demand. Failure to produce such documents in accordance with this regulation shall be grounds for disciplinary action, suspension or revocation of the license.

B. The Commission shall have the authority to demand copies of escrow account records as required to be maintained by 40-6-300. The licensee must produce such records within 10 days of the demand. Failure to produce such escrow records in accordance with this regulation shall be grounds for disciplinary action, suspension or revocation of the license.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-12. Late Fees.

A. All applications for renewal of licenses pursuant to 40-6-240, Code of Laws of South Carolina, 1976 (as amended) shall be filed with the Commission on or before June 30 of each year. A late fee of twenty-five dollars shall be paid thereafter for a license renewal application received on or before July 31 of that year.

B. A late fee of one hundred dollars shall be paid after July 31 of that year and on or before September 30 of that year.

C. After September 30 of that year any license of an auctioneer, apprentice auctioneer, or auction firm that has not been renewed shall be lapsed. Any licensee in lapse status must make application for a new auctioneer, apprentice auctioneer or auction firm license and must be in accordance with 40-6-220, 40-6-230, or 40-6-235, as applicable, Code of Laws of South Carolina, 1976, (as amended).

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-13. Conditions for Apprentices; Exceptions.

No applicant, pursuant to 40-6-230, Code of Laws of South Carolina, 1976 (as amended), shall be deemed to have satisfactorily completed an apprenticeship until the applicant has participated in eighty hours of supervised training including forty hours of auctioneering, ten hours of auction ringing, twenty hours of clerking, and ten hours of cashiering. Such training must be completed in not less than one year nor more than two years. This section does not apply to apprentice auctioneers under supervising tobacco auctioneers.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-14. Duplicate Wall or Pocket Card License; Fees.

A licensee may obtain a duplicate wall or pocket card license upon payment of a duplicate licensee fee for each such license.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14-15. Supervision of Apprentice Auctioneer.

A. An apprentice license is valid only while the licensee has a licensed auctioneer who serves as the licensee's duly appointed supervisor. No apprentice auctioneer may enter into an agreement to conduct an auction without the express approval of the supervisor.

B. No licensed auctioneer shall serve as the supervisor of an apprentice auctioneer pursuant to 40–6–220, Code of Laws of South Carolina, 1976 (as amended), unless that person shall have held a valid South Carolina auctioneering license for three consecutive years preceding the date on which that licensed auctioneer is appointed as supervisor of the apprentice.

C. The supervising auctioneer assumes responsibility for the compliance of the apprentice with all laws and regulations governing the practice of auctioneering. The auctioneer-supervisor shall review the records of the apprentice auctioneer before each monthly report to the Commission. Upon termination of such association, the auctioneer-supervisor shall immediately endorse the back of the apprentice's license, showing date of termination and return same to the Commission for cancellation or transfer.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14–16. Auctioneer, Apprentice Prohibited From Working For Unlicensed Firm; Exception; Penalty.

No licensed auctioneer or apprentice auctioneer shall be employed as an auctioneer or apprentice auctioneer by an auction firm unless that firm holds a valid auction firm license issued by the Commission or unless the firm is otherwise not required to hold an auction firm license pursuant to Section 40–6–235, Code of Laws of South Carolina, 1976 (as amended). A violation of this regulation shall be grounds for disciplinary action, suspension or revocation of an auctioneer or apprentice auctioneer license pursuant to Section 40–6–110 and 120, Code of Laws of South Carolina, 1976 (as amended.)

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

14–17. License Certification.

The South Carolina Auctioneers' Commission shall, upon the payment of a fee, provide a letter certifying that a licensee holds a currently valid license issued by the Commission.

HISTORY: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.