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COMMITTEE REPORT

March 10, 2016

**H. 4931**

Introduced by Reps. Gambrell, Gagnon, Bannister, Mitchell and Thayer

S. Printed 3/10/16--H.

Read the first time February 11, 2016.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4931) to amend Section 38‑53‑85, Code of Laws of South Carolina, 1976, relating to education and continuing education requirements for professional bondsmen, surety bondsmen, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 38‑53‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EDUCATION AND CONTINUING EDUCATION REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO INCREASE THE NUMBER OF HOURS OF EDUCATION REQUIRED FOR LICENSURE AND FOR CONTINUING EDUCATION; AND TO AMEND SECTION 38‑53‑320, RELATING TO VISITING AND EXAMINING PROFESSIONAL BONDSMEN BY THE DEPARTMENT OF INSURANCE, SO AS TO SUBJECT SURETIES TO THESE VISITS AND EXAMINATIONS, AND TO REQUIRE BONDSMEN TO MAINTAIN A PROPERLY ZONED OFFICE IN THIS STATE THAT IS ACCESSIBLE TO THE GENERAL PUBLIC AND DEPARTMENT DURING NORMAL BUSINESS HOURS, AND TO REQUIRE THE BONDSMAN TO PROVIDE CERTAIN CONTACT INFORMATION.

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

SECTION 1. Section 38‑53‑85 of the 1976 Code is amended to read:

“Section 38‑53‑85. (A)(1) An applicant for a license to work as a professional bondsman, surety bondsman, or runner must complete not less than ~~twenty~~ 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. ~~Each~~ An applicant must pass the examination before he can be licensed.

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

(C) The South Carolina Bail Agent’s Association or ~~any other~~ 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 ~~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 requirement for licensure ~~is~~ may not be satisfied by a mail order course. The department also must ~~also~~ approve a written examination to be administered by ~~all groups who provide~~ a group that provides 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 Court, 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 2. Section 38‑53‑320 of the 1976 Code is amended to read:

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

SECTION 3. This act takes effect upon approval by the Governor.

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