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Indicates New Matter

AMENDED

May 24, 2016

**H. 4931**

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

S. Printed 5/24/16--S.

Read the first time March 17, 2016.

**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.

Amend Title To Conform

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~~ thirty 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~~ 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 ~~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. This act takes effect upon approval by the Governor.

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