**A** **BILL**

TO AMEND SECTION 38-53-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL ACTS BY A BONDSMAN OR RUNNER, SO AS TO PROHIBIT A BONDSMAN OR RUNNER FROM ACCEPTING ANYTHING OF VALUE FROM A PRINCIPAL EXCEPT THE PREMIUM THAT MUST BE COLLECTED BEFORE THE EXECUTION OF THE BOND, TO PROHIBIT THE USE OF A FINANCING AGREEMENT OR PROMISE OF FUTURE PAYMENT AS THE MINIMUM FEE OR PART OF THE MINIMUM FEE, TO MAKE ANY AGREEMENT REGARDING A FUTURE PROMISE TO PAY THE MINIMUM FEE VOID AB INITIO, AND TO INCREASE THE MINIMUM FEE FROM TWENTY FIVE DOLLARS TO TWO HUNDRED DOLLARS OR FIVE PERCENT, WHICHEVER IS GREATER.

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

SECTION 1. Section 38‑53‑170(e) of the 1976 Code is amended to read:

“(e) accept anything of value from a principal except the premium that must be collected before the execution of a bond, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of ~~twenty‑five~~ two hundred dollars or five percent, whichever is greater. No part of the minimum fee may be made in the form of a financing agreement or promise of future payment by any party, and any such agreement or contract, or any part of an agreement or contract to that effect shall be void ab initio. 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;”

SECTION 2. This act takes effect upon approval by the Governor.

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