

# 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 licensure as required by statute for apprentice auctioneers, auctioneers and auction firms shall be administered as approved by the Commission.
- B. A completed initial application for licensure must be received with a non-refundable application fee and approved for examination prior to the scheduling of the examination.
- C. Applicants are responsible for the non-refundable examination fee as set by the examination provider.
- 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 Auctioneers' Commission's statutes and regulations; and
  3. The South Carolina Uniform Commercial Code as it relates to auction and bulk sales.
- E. Any applicant who fails 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.

**HISTORY:** Amended by State Register Volume 25, Issue 5, Part 2, eff May 25, 2001; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

### **14-2. Reporting of Continuing Education.**

A. Eight hours of continuing education credit must be reported on each biennial renewal application on a form provided by the Commission. All credits must be earned during the previous licensing period and at Commission-approved classes. Individuals who have completed auctioneer's school within two years 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; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

### **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.

**HISTORY:** Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-4. Display of License and Advertising.**

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

B. All advertisements for an auction shall contain the name and license number of the auctioneer or firm conducting the auction and shall indicate that it is the advertisement of an auctioneer or auction firm.

C. An auctioneer employed by a licensed real estate broker-in-charge must include the name and auctioneer license number in all advertisements.

D. An apprentice auctioneer shall not advertise without the approval for 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; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-5. Repealed.**

**HISTORY:** Former Regulation, titled Advertising, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-6. Licensees Prohibited from Using Unlicensed Bid Callers.**

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

**HISTORY:** Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-7. Repealed.**

**HISTORY:** Former Regulation, titled Professional Standards, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 43-5 Doc. No. 4846, eff May 24, 2019.

#### **14-8. Repealed.**

**HISTORY:** Former Regulation, titled Falsification of Documents, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 43-5 Doc. No. 4846, eff May 24, 2019.

#### **14-9. Repealed.**

**HISTORY:** Former Regulation, titled Declaratory Rulings, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 43-5 Doc. No. 4846, eff May 24, 2019.

#### **14-10. Appeal.**

A person aggrieved by a final action of the Commission may appeal the decision to the Administrative Law Court in accordance with the Administrative Procedures Act and the rules of the Administrative Law Court.

**HISTORY:** Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001; SCSR 43-5 Doc. No. 4846, eff May 24, 2019.

#### **14-11. Written Agreements and Escrow Accounts 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; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-12. Renewal Applications and Lapsed Licenses.**

A. All applications for renewal of licenses shall be filed with the Commission on or before June 30 of the renewal period. A late fee shall be paid thereafter for a license renewal application received on or before July 31 of the renewal period.

B. A late fee shall be paid after July 31 of the renewal period and on or before September 30 of the renewal period.

C. After September 30 of the renewal period, 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 S.C. Code Sections 40-6-220, 40-6-230, or 40-6-235, as applicable.

**HISTORY:** Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-13. Repealed.**

**HISTORY:** Former Regulation, titled Conditions for Apprentice; Exceptions, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **14-14. Repealed.**

**HISTORY:** Former Regulation, titled Duplicate Wall or Pocket Card License; Fees, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 43-5 Doc. No. 4846, eff May 24, 2019.

#### **14-15. Apprentice Auctioneer's Supervision, Requirements, Exception and Termination.**

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.

D. No applicant, pursuant to S.C. Code Section 40-6-230, 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.

E. Upon termination of such association, the auctioneer-supervisor shall immediately endorse the back of the apprentice's license, showing the date of termination, and return the same to the Commission for cancellation or transfer.

**HISTORY:** Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001; SCSR 45-5 Doc. No. 5010, eff May 28, 2021.

#### **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. Repealed.**

**HISTORY:** Former Regulation, titled License Certification, had the following history: Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001. Repealed by SCSR 43-5 Doc. No. 4846, eff May 24, 2019.