**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3135**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

Document Path: l:\council\bills\agm\19780ab13.docx

Introduced in the House on January 8, 2013

Currently residing in the House Committee on **Judiciary**

Summary: Professional bondsmen to be regulated by LLR

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 100](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 100](file:///h:\HJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3135_20121211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF PROFESSIONAL BONDSMEN BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE LICENSURE, EDUCATION, REGISTRATION, AND OTHER REQUIREMENTS FOR PROFESSIONAL BONDSMEN, TO PROVIDE OVERSIGHT BY THE DEPARTMENT, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS; TO AMEND SECTIONS 38‑53‑10, 38‑53‑80, 38‑53‑85, 38‑53‑90, 38‑53‑100, 38‑53‑140, 38‑53‑150, 38‑53‑160, 38‑53‑180, 38‑53‑190, 38‑53‑200, 38‑53‑220, AND 38‑53‑260, ALL RELATING TO THE PROFESSION OF BONDSMEN, SO AS TO REMOVE REFERENCES TO PROFESSIONAL BONDSMEN; AND TO REPEAL SECTIONS 38‑53‑110, 38‑53‑230, 38‑53‑280, 38‑53‑290, 38‑53‑300, 38‑53‑310 AND 38‑53‑330 ALL RELATING TO THE REGULATION OF PROFESSIONAL BONDSMEN.

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

SECTION 1. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 40

Professional Bondsmen

Section 40‑40‑10. For the purposes of this section:

(1) ‘Bail bond’ means an undertaking by the defendant to appear in court as required upon penalty of forfeiting bail to the State in a stated amount and may include an unsecured appearance bond, a premium‑secured appearance bond, an appearance bond secured by a cash deposit of the full amount of the bond, an appearance bond secured by a mortgage, and an appearance bond secured by at least one surety.

(2) ‘Clerk of court’, unless otherwise specified, means the clerk of the circuit court of the county in the state where the bondsman is currently writing or obligated on the majority of those bail bonds which he has written or on which he is obligated.

(3) ‘Department’ means the Department of Labor, Licensing and Regulation.

(4) ‘Professional bondsmen’ means a person who is approved and licensed under the provisions of this chapter and who pledges cash or approved securities with the clerk of court as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge.

Section 40‑40‑20. (A) A person may not act in the capacity of a professional bondsman or perform any of the functions, duties, or powers prescribed for professional bondsmen under the provisions of Chapter 53, Title 38 unless he is qualified and licensed in accordance with the provisions of this chapter. A license may not be issued to a professional bondsman except as provided in this chapter.

(B) An applicant for a license as a professional bondsman or a renewal of this license must apply on forms prepared and supplied by the director or his designee.

(C) The director or his designee:

(1) may ask the applicant any questions, written or otherwise, relating to his qualifications, residence, prospective place of business, and any other inquiries which, in the opinion of the director or his designee, are necessary in order to protect the public and ascertain the qualifications of the applicant;

(2) shall request that the State Law Enforcement Division conduct any reasonable investigation relative to the determination of the applicant’s fitness to be licensed or to continue to be licensed; and

(3) may not consider an application of an applicant within one year following the date on which the director or his designee denied the applicant’s last application. However, the failure of an applicant to secure approval of the director or his designee does not preclude him from applying successive applications.

Section 40‑40‑30. (A)(1) Except as provided in subsection (B), an applicant for an initial license to work as a professional bondsman must:

(a) complete at least twenty hours of education in subjects approved by the department that are pertinent to the duties and responsibilities of a professional bondsman, including all laws and regulations related to being a professional bondsman; and

(b) take and pass a written examination at the conclusion of this coursework. This examination must be developed, administered, and graded by the department.

(2) Except as provided in subsection (F), a person licensed as a professional bondsman must complete annually at least six hours of continuing education in subjects related to the duties and responsibilities of a professional bondsman before the department may renew his license. These continuing education courses may not include a written or oral examination.

(B) A person licensed as a professional bondsman before the effective date of this section is not required to complete the requisite twenty hours of education for initial licensure, but must satisfy the continuing education requirements of subsection (A) to renew his license.

(C) The South Carolina Bail Agent’s Association or any other group or association approved by the department to provide educational courses to professional bondsmen must establish an educational curriculum for licensure under this chapter.

(D) The department must approve the courses offered to satisfy the requirements of this section to ensure that these courses meet the standards for education established by this section and the department.

(E) 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 40‑40‑220.

(F) A professional bondsman who is sixty years of age or more and who has at least twenty years of licensure as a professional bondsman is exempt from the continuing education requirements of this section.

(G) The director shall establish rules and regulations for the effective administration of this section.

Section 40‑40‑40. An applicant for initial licensure as a professional bondsman must furnish with his application:

(1) written certification, on a form provided the department, that he:

(a) is eighteen years of age or older;

(b) is a resident of this State;

(c) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years; and

(d) has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee;

(2) a recent passport size full‑face photograph; and

(3) a complete set of his fingerprints. The applicant’s fingerprints must be certified as authentic by an authorized law enforcement officer.

Section 40‑40‑50. (A) A licensee annually must pay a license fee of four hundred dollars and must be paid to the director or his designee with each application for an initial or renewal license as a professional bondsman.

(B) The director or his designee shall forward the full amount of this fee to the State Treasurer to be placed in the general fund. However, two hundred dollars of each fee must be paid to the director or his designee to offset the costs the department incurs under the provisions of this chapter, and two hundred dollars of each fee must be paid to the State Law Enforcement Division to offset the costs it may incur under the provisions of this chapter.

(C) In addition to the fees provided in subsection (A), a professional or surety bondsman annually shall pay:

(1) a fee of one hundred‑fifty dollars to the clerk of court of the county in which the principal place of business of the licensee is located; and

(2) one hundred dollars to the clerk of court of any other county in which the licensee does business.

Section 40‑40‑60. In addition to the other requirements of this chapter, an applicant for a professional bondsman’s license shall furnish annually a detailed financial statement under oath and in a form as the director or his designee may require.

Section 40‑40‑70. (A) A license issued pursuant to the provisions of this chapter expires annually on June thirtieth unless revoked or suspended before that time by the director or his designee.

(B) The department shall issue a renewal license to a licensee who:

(1) meets the continuing education requirements of this chapter;

(2) has paid the license renewal fee required by this chapter;

(3) has submitted a financial statement in compliance with this chapter; and

(4) is not known by the department to be in violation of a provision of this chapter.

(C) A license issued under this chapter continues in effect upon timely submission of an application for renewal to the department until the renewal license is issued or denied for cause.

Section 40‑40‑80. (A) The director or his designee may deny, suspend, revoke, or refuse to renew the license of a professional bondsman issued under this chapter for:

(1) cause sufficient to deny issuance of the original license;

(2) violating a law of this State relating to bail in the course of dealings under the license issued to a professional bondsman by the director or his designee;

(3) materially misstating, misrepresenting, or committing fraud in obtaining the license;

(4) misappropriating, converting, or unlawfully withholding money belonging to others and received in the conduct of business under the license;

(5) engaging in a fraudulent or dishonest practice while conducting business as a licensee;

(6) being convicted of a felony within the last ten years regardless of whether the conviction resulted from conduct in or related to the bail bond business;

(7) failing to comply with a violation of the provisions of this chapter, an order of the director or his designee, or a regulation of the department;

(8) conducting affairs under the license absent good faith, in an incompetent manner, or in an untrustworthy manner;

(9) rebating, offering to rebate, offering to divide, or dividing a premium received for a bond;

(10) failing to pay a judgment or decree rendered on a forfeited undertaking in a court of competent jurisdiction;

(11) charging or receiving as premium or compensation for the making of a deposit or bail bond a sum in excess of that permitted by Chapter 53, Title 38; or

(12) requiring a defendant to agree to engage the services of a specified attorney as a condition of his executing a bail bond.

(B) The director or his designee, in lieu of revoking or suspending a license in accordance with the provisions of this chapter, may order a licensee to pay a monetary penalty as provided in Section 40‑40‑220 for each offense under subsection (A). A penalty paid under this subsection must be made to the director or his designee and deposited in the general fund of the State. The director or his designee may revoke or suspend a license for a period as he determines for failure of a licensee to pay a penalty within twenty days after the department mails a copy of the order, postage prepaid, registered, and addressed to the last known place of business of the licensee, unless the order is stayed by an order of a court of competent jurisdiction.

(C) A professional bondsman whose license has been revoked may not be issued another license for a period of one year after the revocation and must meet all requirements under this chapter prior to relicensing by the department.

Section 40‑40‑90. The department shall not suspend, revoke, refuse to issue, or refuse to renew a license except on reasonable notice to and opportunity for the person seeking initial licensure or renewal of a license. A person may appeal the final order of the director or his designee that suspends a license, revokes a license, or denies an application for an initial or renewal license to the Administrative Law Court as provided by law.

Section 40‑40‑100. A professional bondsman may not:

(1) pay a fee or rebate or give or promise anything of value, directly or indirectly, to a jailer, law enforcement officer, committing magistrate, or other person who has the legal power to arrest or hold a person in custody, or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or the forfeiture of the bail bond, including the payment to the law enforcement officers, directly or indirectly, for the arrest or apprehension of a principal or principals who have caused a forfeiture;

(2) pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) pay a fee or rebate or give or promise anything of value to the principal or anyone in his behalf;

(4) participate in the capacity of an attorney at a trial or hearing of one on whose bond he is surety, nor suggest or advise the employment of or name for employment any particular attorney to represent the principal;

(5) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of twenty‑five dollars. 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;

(6) solicit business in any of the courts or on the premises of any of the courts of this State, in the office of any magistrate, or in or about any place where prisoners are confined. Law enforcement officers and jailers shall report any violations of this provision to the court. Any action taken pursuant to this provision resulting in a conviction, guilty plea, or plea of nolo contendere must be reported to the director or his designee by the court within thirty days; and

(7) advise or assist the principal for the purpose of forfeiting bond.

Section 40‑40‑110. A professional who accepts collateral shall give a written receipt for the collateral. This receipt must give in detail a full description of the collateral received.

Section 40‑40‑120. A professional bondsman may not sign or countersign blank bail bonds, nor may he give a power of attorney to, or otherwise authorize, anyone to countersign his name to bonds unless the authorized person is a licensed bondsman or runner directly employed by the professional bondsman giving power of attorney. Copies of all the powers of attorney and revocations of the powers of attorney must be filed immediately with the department and the clerk of the circuit court of the county in the state where the bondsman giving the power of attorney is currently writing or is obligated on bail bonds.

Section 40‑40‑130. A professional bondsman who discontinues writing bail bonds during the period for which he is licensed shall notify the clerks of the circuit courts with whom he is registered and return his license to the director or his designee for cancellation within thirty days after discontinuance.

Section 40‑40‑140. (A) A person licensed as a professional bondsman may appoint as runner any person who has been issued a runner’s license, and shall before July second of each year furnish to the clerk of court of each county where he is doing business and the director or his designee a list of all runners appointed by him. A bondsman who, subsequent to the filing of this list, appoints additional persons as runners shall file written notice with the clerk of court of each county where he is doing business and the director or his designee of the appointment.

(B) A bondsman terminating the appointment of a runner shall file written notice of the termination with the clerk of court and the director or his designee together with a statement that he has given or mailed notice to the runner. Notice filed with the clerk of court and the director or his designee shall state the reasons, if any, for termination. Information so furnished the director or his designee is privileged and may not be used as evidence in any action against the bondsman.

Section 40‑40‑150. A professional bondsman may not become a surety on an undertaking unless he has registered his current license in the office of the clerk of the circuit court in the county in which he resides and registered a certified copy of the license with the clerk of the circuit court in any other county in which he writes bail bonds.

Section 40‑40‑160. A professional bondsman acting as surety on bail bonds in this State shall maintain security deposits with the clerk of court of the county in which the bondsman has his primary place of business equal to at least one‑fourth of the amount of all bonds or undertakings written in this State on which he is absolutely or conditionally liable as of the first day of the current month. A minimum of ten thousand dollars of this collateral shall be in the form of cash deposited with the clerk of court or certificates of deposit pledged to the clerk of court. Any remaining collateral shall be pledges of real estate, the value of which must be based upon the appraised value by the county tax assessor. The real estate must be free and clear of any encumbrances based upon a title opinion furnished to the clerk of court by the bondsman.

Section 40‑40‑170. The securities deposited by a professional bondsman with the clerk of court must be held in trust for the sole protection and benefit of the holder of bail bonds executed by or on behalf of the undersigned bondsman in this State. A pro rata portion of the securities must be returned to the bondsman when the clerk of court is satisfied that the deposit of securities is in excess of the amount required to be maintained with him by the bondsman. All the securities must be returned if the clerk of court is satisfied that the bondsman has satisfied, or satisfactory arrangements have been made to satisfy, the obligations of the bondsman on all of his bail bonds written in the State. The clerk of court may sell or transfer any of the securities or utilize the proceeds of the securities for the purpose of satisfying the liabilities of the professional bondsman on bail bonds given in this State on which he is liable.

Section 40‑40‑180. With the securities deposited with the clerk of court, the professional bondsman shall at the same time deliver to the clerk of court a power of attorney on a form supplied by the clerk of court, executed and acknowledged by the professional bondsman, authorizing the sale or transfer of the securities or any part of the securities. The power of attorney must read as follows:

‘Know all men by these presents that I, \_\_\_\_\_\_\_\_\_\_, a professional bondsman, located in the County of \_\_\_\_\_\_\_\_\_\_, in the State of \_\_\_\_\_\_\_\_\_\_, do authorize and appoint for myself and my successors, heirs, and assigns the clerk of court of this county, in the name and in behalf of myself as professional bondsman, my attorney to sell or transfer any securities deposited or that may be deposited by me as professional bondsman with the clerk of court, under the laws and regulations requiring a deposit of securities to be made by professional bondsmen doing business in the State of South Carolina if the sale or transfer is considered necessary by the clerk of court to pay any liability arising under a bond which purports to be given by the undersigned bondsman in any county in this State, and execution has been issued against me as bondsman pursuant to a judgment on the bond, and the judgment has not been satisfied. The securities so deposited are to be held in trust by the clerk of court for the sole protection and benefit of the holder of bail bonds executed by or on behalf of the undersigned bondsman.

In witness whereof, I have set my hand and affixed my seal this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_ (L.S.)

Notary Public

\_\_\_\_\_\_\_\_\_\_

My commission expires:

\_\_\_\_\_\_\_\_\_\_.’

Section 40‑40‑190. A professional bondsman whose security deposits with the clerk of court are reduced in value below the requirements of Section 38‑53‑270 immediately shall, upon notice of the deficiency, pledge with the court the additional collateral necessary to comply with Section 38‑53‑270. A professional bondsman may not sign, endorse, execute, or become a surety on any additional bail bonds in any county in this State until he has made the additional deposit of securities as required by the notice of deficiency. The clerk of court has the authority to suspend bonding privileges until the bondsman complies with Section 38‑53‑270. If the bondsman has any outstanding forfeitures including, but not limited to, license fees and bond estreatments, the clerk of court has the authority to suspend bonding privileges until the bondsman complies with this section. The clerk immediately shall notify all parties who were originally notified of the suspension of the bondsman’s compliance with this section.

Section 40‑40‑200. A professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month showing:

(1) each individual bonded;

(2) the date the bond was given;

(3) the principal sum of the bond;

(4) the state or local official with whom the bond was filed;

(5) the fee charged for the bonding service in each instance; and

(6) all pending bonds.

Section 40‑40‑210. When 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 bondsman subject to the provisions of this chapter. For this purpose, the director or his designee or person making the examination has free access to all books and papers of the bondsman that relate to his business and to the books and papers kept by any of his agents or runners.

Section 40‑40‑220. A person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

Section 40‑40‑230. To the extent a provision of this chapter conflicts with a provision in Chapter 53, Title 38, the provisions of this chapter must control and prevail.”

SECTION 2. Section 38‑53‑10(9) of the 1976 Code is amended to read:

“(9) ‘Professional bondsman’ means ~~any~~ a person ~~who is~~ approved and licensed under the provisions of ~~this chapter~~ Chapter 40, Title 40 and who pledges cash or approved securities with the clerk of court as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge.”

SECTION 3. Section 38‑53‑80 of the 1976 Code is amended to read:

“Section 38‑53‑80. No person may act in the capacity of a ~~professional bondsman,~~ surety bondsman~~,~~ or runner or perform any of the functions, duties, or powers prescribed for ~~professional or~~ surety bondsmen or runners under the provisions of this chapter unless that person is qualified, except for an accommodation bondsman, licensed in accordance with the provisions of this chapter. No license may be issued to a ~~professional bondsman,~~ surety bondsman~~,~~ or runner except as provided in this chapter.

The applicant shall apply for a license or renewal of a license on forms prepared and supplied by the director or his designee. The director or his designee may ask the applicant any questions, written or otherwise, relating to his qualifications, residence, prospective place of business, and any other inquiries which, in the opinion of the director or his designee, are necessary in order to protect the public and ascertain the qualifications of the applicant. The director or his designee shall request that the State Law Enforcement Division conduct any reasonable investigation relative to the determination of the applicant’s fitness to be licensed or to continue to be licensed.

The failure of the applicant to secure approval of the director or his designee does not preclude him from applying as many times as he desires, but no application may be considered by the director or his designee within one year subsequent to the date upon which the director or his designee denied the applicant’s last application.”

SECTION 4. 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 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 applicant must pass the examination before he can be licensed.

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

(C) The South Carolina Bail Agent’s Association or any other 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 for licensure is not satisfied by a mail order course. The department ~~must~~ also must approve a written examination to be administered by all groups who provide 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 Judge Division, 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 5. Section 38‑53‑90 of the 1976 Code is amended to read:

“Section 38‑53‑90. (A) Before a license is issued to an applicant permitting him to act as a ~~professional~~ bondsman or runner, the applicant shall furnish to the director or his designee a complete set of his fingerprints and a recent passport size full‑face photograph. The applicant’s fingerprints must be certified by an authorized law enforcement officer.

(B) Before being issued the license, every applicant for a license as a ~~professional bondsman,~~ surety bondsman~~,~~ or runner shall certify to the director that he:

(~~a~~1) is eighteen years of age or older;

(~~b~~2) is a resident of this State;

(~~c~~3) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

(~~d~~4) has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee.”

SECTION 6. Section 38‑53‑100 of the 1976 Code is amended to read:

“Section 38‑53‑100. (A) A license fee of four hundred dollars must be paid to the director or his designee with each application for a license as a ~~professional~~ bondsman. The director or his designee shall forward four hundred dollars to the State Treasurer to be placed in the general fund; however, of the four hundred dollars, two hundred dollars must be paid over to the director or his designee to offset the costs he incurs under the provisions of this chapter, and two hundred dollars must be paid over to the State Law Enforcement Division to offset the costs it may incur under the provisions of this chapter.

(B) A license fee of two hundred dollars must be paid to the director or his designee with each application for a license as a runner. The director or his designee shall forward two hundred dollars to the State Treasurer to be placed in the general fund; however, of the two hundred dollars, one hundred dollars must be paid over to the director or his designee to offset the costs he incurs under the provisions of this chapter, and one hundred dollars must be paid over to the State Law Enforcement Division to offset the costs it incurs under the provisions of this chapter.

(C) The director or his designee shall forward forty percent of all fees collected under subsections (A) and (B) of this section to the clerk of court of the county where the principal place of business of the bondsman or runner is located. The remaining sixty percent of collected fees must be forwarded to the State Treasurer to be placed in the general fund, of which one‑third must be paid to the State Law Enforcement Division, and two‑thirds must be paid to the director or his designee to offset expenses incurred under the provisions of this chapter.

(D) In addition to the fees herein provided, a ~~professional or~~ surety bondsman shall pay to the clerk of court of his home county the sum of one hundred fifty dollars annually for each licensee to be paid directly to and retained by the clerk. In addition, each bondsman and runner shall pay to any other county where he is doing business the sum of one hundred dollars to be paid to and retained by the clerk. The fee must be paid annually and directly to the clerk of court who shall deposit it in an account maintained by the clerk.”

SECTION 7. Section 38‑53‑140 of the 1976 Code is amended to read:

“Section 38‑53‑140. (A) ~~All licenses~~ A license issued pursuant to the provisions of this chapter ~~expire~~ expires annually on June thirtieth unless revoked or suspended prior to that time by the director or his designee or upon notice served upon the director or his designee that the employer of ~~any~~ a runner has canceled the licensee’s authority to act for the employer.

(B) A renewal license must be issued by the director or his designee to a licensee who has met the continuing education requirements in Section 38‑53‑85(A) upon the payment of a renewal fee of two hundred dollars for runners and four hundred dollars for ~~professional~~ bondsmen, but the licensees are required in all other respects to comply with the provisions of this chapter. After the receipt of the licensee’s application for renewal, the current license continues in effect until the renewal license is issued or denied for cause.”

SECTION 8. Section 38‑53‑150(C) of the 1976 Code is amended to read:

“(C) A ~~professional or~~ surety bondsman or runner whose license has been revoked cannot be issued another license for a period of one year and must meet all requirements under this chapter prior to relicensing by the department.”

SECTION 9. Section 38‑53‑160 of the 1976 Code is amended to read:

“Section 38‑53‑160. ~~No~~ A license may not be refused, suspended, or revoked, or renewal refused, except on reasonable notice and opportunity to be heard afforded the person licensed or seeking renewal of the license. ~~Any~~ An applicant for a license as a ~~professional or~~ surety bondsman or runner whose application has been denied or whose license has been suspended or revoked, or renewal of the license denied, has the right of appeal from the final order of the director or his designee to the Administrative Law ~~Judge Division~~ Court as provided by law.”

SECTION 10. Section 38‑53‑180 of the 1976 Code is amended to read:

“Section 38‑53‑180. When a ~~professional or~~ surety bondsman accepts collateral, he shall give a written receipt for the collateral. This receipt ~~shall~~ must give in detail a full description of the collateral received.”

SECTION 11. Section 38‑53‑190 of the 1976 Code is amended to read:

“Section 38‑53‑190. ~~No~~ A sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of ~~any~~ a court of this State, or other public employee assigned to duties relating to the administration of the court may become a surety on a bail bond for any person. ~~No~~ A person covered by this section may not act as agent for ~~any~~ a bonding company ~~or professional~~ bondsman, nor may he have an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsmen. Nothing in this section prohibits ~~any~~ a person designated above from being a surety upon the bond of his spouse, parent, brother, sister, child, or descendant.”

SECTION 12. Section 38‑53‑200 of the 1976 Code is amended to read:

“Section 38‑53‑200. A ~~professional or~~ surety bondsman may not sign or countersign blank bail bonds, nor may he give a power of attorney to, or otherwise authorize, anyone to countersign his name to bonds unless the authorized person is a licensed bondsman or runner directly employed by the bondsman giving power of attorney. Copies of all the powers of attorney and revocations of the powers of attorney must be filed immediately with the department and the clerk of the circuit court of the county in the state where the bondsman giving the power of attorney is currently writing or is obligated on bail bonds.”

SECTION 13. Section 38‑53‑220 of the 1976 Code is amended to read:

“Section 38‑53‑220. A ~~professional or~~ surety bondsman who discontinues writing bail bonds during the period for which he is licensed shall notify the clerks of the circuit courts with whom he is registered and return his license to the director or his designee for cancellation within thirty days after discontinuance.”

SECTION 14. Section 38‑53‑260 of the 1976 Code is amended to read:

“Section 38‑53‑260. (A) ~~No professional or~~ A surety bondsman may not become a surety on an undertaking unless he has registered his current license in the office of the clerk of the circuit court in the county in which he resides and registered a certified copy of the license with the clerk of the circuit court in any other county in which he writes bail bonds.

(B) A surety bondsman ~~shall~~ also shall annually register a certified copy of his current power of appointment with the clerk of the circuit court where he resides and in any other county where he writes bail bonds on behalf of an insurer.”

SECTION 15. Sections 38‑53‑110, 38‑53‑230, 38‑53‑280, 38‑53‑290, 38‑53‑300, 38‑53‑310 and 38‑53‑330 are repealed.

SECTION 16. This act takes effect upon approval by the Governor.

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