

The State of South Carolina



Office of the Attorney General

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Lieutenant Patricia N. Murphy
Supervisor, Regulatory Services
South Carolina Law Enforcement Division
P. O. Box 21398
Columbia, South Carolina 29221

Dear Lieutenant Murphy:

In a letter to this Office you requested an opinion as to whether or not an individual who is licensed pursuant to Sections 38-63-10 et seq. of the Code as a runner for a bail bondsman must also be licensed pursuant to Section 40-17-10 et seq. of the Code as a private detective. As referenced by you, in an opinion dated July 27, 1984 this Office held that a bounty hunter should be considered as engaging in the private detective business as defined by Section 40-17-20(a) of the Code. A bounty hunter was described as an individual "hired to search, find, and possibly detain individuals for subsequent actions." The opinion further commented that it was assumed that reference was being made to individuals who assist bail bondsmen in locating individuals who have "jumped bail." In its conclusion, the opinion advised that a bounty hunter should be licensed by SLED inasmuch as his actions come within the definition of engaging in a private detective business. Section 40-17-20(a) defines private detective business as

... engaging in the business of or accepting employment to obtain or furnish information with reference to:

(1) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations,

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transactions, acts, reputation or character of any person;

(2) The location, disposition or recovery of lost or stolen property;

(3) The cause or responsibility for fires, libels, losses, accidents, damage or injury to persons or property; or

(4) The securing of evidence to be used before any civil court, board, officer, or investigating committee. Any evidence of criminal action or involvement shall be reported by the licensed private detective to the Chief of the South Carolina Law Enforcement Division.

In 1985 the General Assembly enacted comprehensive legislation, now codified as Sections 38-63-10 et seq., particularly regulating the bail bond business. Included in such legislation was the provision, codified as Section 38-63-80, requiring the licensing of individuals who come within the definition of a runner for a bail bondsman. Such statute specifically states that:

(n) no person may act in the capacity of a ... runner or perform any of the functions, duties, or powers prescribed for ... runners under the provisions of this chapter unless that person is qualified and, ... licensed in accordance with the provisions of this chapter. No license may be issued to a ... runner except as provided in this chapter.

A runner is defined as:

... a person employed by a bail bondsman for the purpose of assisting the bail bondsman in presenting the defendant in court when required, to assist in the apprehension and surrender of the defendant to the court, keeping the defendant under necessary surveillance, or to execute bonds on behalf of the licensed bondsman where the power of attorney has been recorded. "Runner" does not include an attorney or a law enforcement officer assisting a bondsman. Section 38-63-10(j).

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Upon review of the provisions defining the private detective business and a runner for a bail bondsman, it is apparent that the provision dealing with the private detective business is broader. While including descriptions of activities typically undertaken by a runner, the definition of the private detective business goes beyond such activities and includes matters not descriptive of a runner's activities, e.g., the cause or responsibility for fires, accidents, or damages to persons or property.

It has been stated that "... a statute that mandates a thing to be done in a given manner, or by certain persons or entities, normally implies that it shall not be done in any other manner, or by other persons or entities." 73 Am.Jur.2d, Statutes, Section 211, p. 405. Also, in construing various statutes, attempts should be made to harmonize and reconcile the several provisions. Supra at Section 254, p. 425.

Referencing such, it is apparent that while arguably the description of a private detective business does incorporate in some respects the duties of a runner for a bail bondsman, and therefore, such individuals originally should have been licensed by SLED as engaging in such business, inasmuch as the General Assembly has since specifically provided for the licensing of a runner for a bail bondsman, if an individual obtains a runner's license, he would not also be required to be licensed by SLED as engaging in the private detective business. Of course, by being licensed as a runner the individual could not engage in other activities which might require a separate license, such as a private detective license.

If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



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