



ALAN WILSON
ATTORNEY GENERAL

July 31, 2025

Gwendolyn McGriff, Esquire
General Counsel
South Carolina Department of Insurance
PO Box 100105
Columbia, SC 29202

Dear Ms. McGriff:

Attorney General Alan Wilson referred your letter to the Opinions section for a response. In your letter, you ask that we withdraw or modify our June 17, 2024, opinion to the Honorable B. Lee Miller regarding the 2023 bond reform legislation, specifically bond premiums. Op. S.C. Att'y Gen., 2024 WL 3186557 (June 17, 2024). In your letter, you advised that the Department of Insurance's interpretation of South Carolina Code Section 38-53-170(e), differs from the one expressed in our opinion to Judge Miller. You also provided our office with a copy of Order No. 2024-07 issued by Director Wise which provides guidance on the issue. <https://doi.sc.gov/DocumentCenter/View/14862/Order-2024-07-Requirements-for-Surety-Bondsmen-Professional-Bondsmen-and-Runners>, last visited July 29, 2025.

Law/Analysis

The director of the Department of Insurance, clerks of court, and the South Carolina Law Enforcement Division have the authority and power to administer the provisions of Title 38, Chapter 53. S.C. Code Ann. § 38-53-20 (Rev. 2015). Additionally, the director is charged with promulgating regulations "to enforce the purposes and provisions" of the chapter. *Id.* Our interpretation of the Section 38-53-170(e) remains unchanged, but we recognize the language of the subsection can be interpreted differently. Therefore, we defer to the interpretation of the Department of Insurance as the agency with regulatory authority. Op. S.C. Att'y Gen., 2022 WL 1286845 (April 20, 2022). Further, we advise any bail bondsmen and runners to follow the department's instructions and orders regarding the issue pending any judicial or legislative clarification.

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Sincerely,



Sabrina C. Todd
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General