

1981 WL 158214 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 1, 1981

*1 Colonel George P. Pechilis
South Carolina Auctioneers' Commission
Post Office Box 807
Columbia, South Carolina 29202

Dear Colonel Pechilis:

You have requested an opinion whether the South Carolina Auctioneers' Commission may issue an auctioneer's license or an apprentice auctioneer license to a person who is not a resident of South Carolina. It is the opinion of this office that the Commission may issue a license to a nonresident only pursuant to the reciprocal licensing provision of the licensing statute set out at [§ 40-6-130, Code of Laws of South Carolina](#), 1976 (as amended).

The Code sets out the general requirements for licenses in this State at § 40-6-60, Id. It provides that 'no person shall be licensed . . . unless he is . . . a resident of this State.' There is a general exception to this requirement set out at [§ 40-6-130, Id.](#) It provides that 'any person who holds a valid auctioneer's license in another state may apply for and be granted a South Carolina license if the state in which he is licensed provides similar recognition to a license granted by this State.' This section does not include a provision for offering an apprentice auctioneer license by reciprocity, but rather only an auctioneer license. [§ 40-6-130, Id.](#)

Therefore, it is the opinion of this Office that the Auctioneers' Commission may offer an auctioneer license by reciprocity to a nonresident. However, it may not issue an auctioneer license to a nonresident other than by reciprocity. In addition it may not issue an apprentice auctioneer license to a non-resident.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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