1981 WL 158048 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
November 19, 1981

*1 The Honorable John Hamilton Smith
Judge
First Judicial Circuit
Post Office Box 985
Summerville, South Carolina 29483

Dear Judge:

In reply to your letter of November 13, 1981, I advise that the statute requires that a surety company furnishing bonds must be authorized to do business in this State before it may undertake such bonds. The governing statute is 15-1-230 of the 1976 Code. I am not certain that this is what you have in mind. You refer to 'a person—eligible to commercially act as a bail bondsman.'

With respect to an individual furnishing bond as a business, which I presume is your basic inquiry, there are no statutes relating to this business of which I am aware, nor have I been able to find any. Instead, I think that his commercial activities in that sense are regulated by the licenses obtained from various political subdivisions, such as cities, where the majority of his business is conducted.

The case of Wilson v. McLeod, 274 S.C. 525, 265 S.E.2d 677, will be of interest to you in the recapitulation of the entire matter. In that case the Court said: 'We recognize the fact that the General Assembly may regulate the bail bond business' but the Court held that those engaged in the bail bond business were in the business of insurance. The General Assembly has not acted to remedy the situation, nor were any bills introduced at the last session.

In short, one may engage in the bail bond business without transgressing the insurance laws of the State. The status of one engaged in the bail bond business is, in my opinion, subject to the licensing provisions of political subdivisions but the extent to which they may have done so in various cities, and perhaps counties, is unknown to me.

If I may be of any further assistance to you, please call upon me.
 Very truly yours,

Daniel R. McLeod
Attorney General

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