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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

May 30, 2001

The Honorable Mark Hammond
Clerk of Court
Attn. Gail Moffit, Assistant Clerk of Court
Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29306

Re: Your Letter of May 21, 2001
S.C. Code Ann. §38-53-100(D)

Dear Ms. Moffit:

In the above referenced letter, you request an opinion from this Office "on 38-53-100(D) which concerns fees on Professional and Surety bondsmen license when they are filed with the Clerk of Court." South Carolina Code Ann. §38-53-100(D) provides as follows:

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.

By follow up telephone conversation with your Office, there are two specific questions concerning the above provision: 1) is the fee applicable only to a bail bondsman's enterprise as a whole or to each person licensed pursuant to Chapter 53 of Title 38 working within a bail bondsman's enterprise?; and, 2) is a person who holds more than one license (i.e. professional bondsman & surety bondsman) required to pay more than one fee?

When interpreting the meaning of a statute, a few basic principles must be observed. The primary goal is to ascertain the intent the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The statute's words must be given their plain and ordinary meaning without resort to a forced or subtle construction which would work to limit or to expand the statute's

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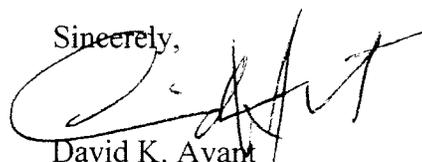
operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). The clear and unambiguous terms of a statute must be applied according to their literal meaning. State v. Blackmon, supra. Further, a statute is to be reasonably construed as a whole with the view of carrying out its purpose and intent. Hay v. Leonard, 212 S. C. 81, 46 S. E. 2d 653 (1948); Crescent Mfg. Co. v. Tax Commission, 129 S. C. 480, 124 S. E. 761 (1924).

Chapter 53 of Title 38 of the South Carolina Code of Laws, of which Section 38-53-100(D) is a part, deals generally with the regulation of bail bondsmen and those who work for bail bondsmen (i.e. "Runners"). Pertinent to your first question, Section 38-53-80 requires that all professional bondsmen, surety bondsmen and runners be licensed before they may "perform any of the functions, duties, or powers... under the provisions of [Chapter 53 of Title 38]." Accordingly, it is apparent that all professional bail bondsmen, surety bondsmen and their runners would be considered "licensees" for purposes of the Chapter. The reference in Section 38-53-100(D) to "each licensee" would make the fee applicable to all professional bondsmen or surety bondsmen and all of their runners. The common understanding of the word "each" supports such an interpretation. *Encarta World English Dictionary* defines "each" as "every one...used to refer to every member of a group of people..." Further, *Merriam-Webster's Collegiate Thesaurus* list "all" and "every" as synonyms of "each."

As to your second question, the General Assembly's requirement that the fee be paid for the "licensee" appears to be personal in nature. "Licensee" is a noun which generally means "somebody authorized to do something." See, *Encarta World English Dictionary*. Accordingly, making the fee applicable to the "licensee" would make it applicable to each person holding a license, not each license held by a person.

Based on the applicable tenets of statutory construction and the clear language of Section 38-53-100(D), it is my opinion that the General Assembly intended the fee to apply to all professional bondsmen, surety bondsmen and runners within a particular bonding business or enterprise. It is also my opinion that each person licensed under Chapter 53 of Title 38 is subjected to one fee under Section 38-53-100(D), no matter how many licenses that person holds.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

David K. Avant
Assistant Attorney General