

South Carolina General Assembly
123rd Session, 2019-2020

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A58, R78, H3243

STATUS INFORMATION

General Bill

Sponsors: Reps. Bernstein, W. Cox, Fry, Clemmons and Hixon

Document Path: I:\council\bill\13762sd19.docx

Introduced in the House on January 8, 2019

Introduced in the Senate on March 26, 2019

Last Amended on May 9, 2019

Passed by the General Assembly on May 9, 2019

Governor's Action: May 16, 2019, Signed

Summary: Filing and recording fees

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/18/2018	House	Prefiled
12/18/2018	House	Referred to Committee on Judiciary
1/8/2019	House	Introduced and read first time (House Journal-page 139)
1/8/2019	House	Referred to Committee on Judiciary (House Journal-page 140)
2/27/2019	House	Committee report: Favorable with amendment Judiciary (House Journal-page 44)
2/28/2019	House	Member(s) request name added as sponsor: Fry
2/28/2019	House	Scrivener's error corrected
2/28/2019	House	Debate adjourned until Tues., 3-5-19 (House Journal-page 22)
3/5/2019	House	Member(s) request name added as sponsor: Clemmons
3/5/2019	House	Requests for debate-Rep(s). Hill, Trantham (House Journal-page 18)
3/5/2019	House	Debate adjourned until Wed., 3-6-19 (House Journal-page 18)
3/6/2019	House	Debate adjourned until Tues., 3-19-19 (House Journal-page 10)
3/19/2019	House	Requests for debate-Rep(s). Weeks, Hayes, Moore, Garvin, S. Williams, McDaniel, Kirby, Atkinson, Norrell, Henegan, Ott, Jefferson, Pendarvis, Bales, King, Hewitt, Fry, Hosey, Toole (House Journal-page 11)
3/20/2019	House	Member(s) request name added as sponsor: Hixon
3/20/2019	House	Amended (House Journal-page 36)
3/20/2019	House	Read second time (House Journal-page 36)
3/20/2019	House	Roll call Yeas-97 Nays-5 (House Journal-page 42)
3/26/2019	House	Read third time and sent to Senate (House Journal-page 35)
3/26/2019	Senate	Introduced and read first time (Senate Journal-page 11)
3/26/2019	Senate	Referred to Committee on Judiciary (Senate Journal-page 11)
4/30/2019	Senate	Referred to Subcommittee: Hutto (ch), Climer, Goldfinch
5/7/2019	Senate	Recalled from Committee on Judiciary (Senate Journal-page 6)
5/8/2019	Senate	Scrivener's error corrected
5/8/2019	Senate	Amended (Senate Journal-page 123)
5/8/2019	Senate	Read second time (Senate Journal-page 123)
5/9/2019	Senate	Amended (Senate Journal-page 44)
5/9/2019	Senate	Read third time and returned to House with amendments (Senate Journal-page 44)
5/9/2019	Senate	Roll call Ayes-36 Nays-3 (Senate Journal-page 44)
5/9/2019	House	Concurred in Senate amendment and enrolled (House Journal-page 163)
5/9/2019	House	Roll call Yeas-101 Nays-0 (House Journal-page 163)

5/13/2019	Ratified R 78
5/14/2019	Scrivener's error corrected
5/16/2019	Signed By Governor
5/31/2019	Effective date 08/01/19
6/5/2019	Act No. 58

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VERSIONS OF THIS BILL

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A58, R78, H3243)

AN ACT TO AMEND SECTION [8-21-310](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A SCHEDULE OF SPECIFIED FILING AND RECORDING FEES, SO AS TO REVISE AND FURTHER PROVIDE FOR VARIOUS FILING FEES, INCLUDING A FLAT FEE FOR VARIOUS DOCUMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

Fees revised

SECTION 1. Section [8-21-310](#) of the 1976 Code is amended to read:

"Section [8-21-310](#). (A) Except as otherwise expressly provided, the clerks of court, registers of deeds, or county treasurers, as may be determined by the governing body of a county, shall collect the following uniform filing fees:

- (1) fifteen dollars for a deed to real estate; and
- (2) twenty-five dollars for the following documents:
 - (a) a mortgage;
 - (b) a land sale installment contract;
 - (c) a real estate sales contract;
 - (d) any document required to be recorded pursuant to the Uniform Commercial Code;
 - (e) a plat or survey not part of or attached to another document to be recorded;
 - (f) a lease for real estate;
 - (g) an order for partition of real estate;
 - (h) an easement agreement or other document affecting title or possession of real property not otherwise provided for in this section;

- (i) a power of attorney, provided, however, that upon presentation of a copy of deployment orders to a combat zone by or on behalf of a member of the armed forces of the United States, the filing fee for a power of attorney for the person deployed is waived;
 - (j) a notice of a mechanic's lien; or
 - (k) any other document affecting a title or the possession of real estate that is required by law to be recorded or filed, except judicial records, including restrictive covenants, bylaws, and amendments to restrictive covenants and bylaws.
- (B) Except as otherwise expressly provided, the clerks of court, registers of deeds, or county treasurers, as may be determined by the governing body of a county, shall collect a uniform filing fee of ten dollars, unless otherwise stated, for the following documents or actions:
- (1) a revocation of power of attorney, provided, however, that the filing fee is waived if it is filed by or on behalf of a member of the armed forces of the United States if the revocation is filed within three years from the date of filing the power of attorney and a copy of the deployment orders to a combat zone is presented. For the purposes of this item, 'combat zone' has the meaning provided in Internal Revenue Service Publication 3 and includes service in a qualified hazardous duty area;
 - (2) an assignment of leases and rents or the cancellation or release of an assignment of leases and rents;
 - (3) separate probates, acknowledgements, affidavits, or certificates that are not part of or attached to another document to be recorded;
 - (4) a mortgage satisfaction or release, including a partial release or entry in a public record;
 - (5) the recording of an instrument that assigns, transfers, or affects a single real estate mortgage or other instrument affecting a title to real property or a lien for the payment of money, unless it is part of the original instrument when initially filed, except if the instrument assigns, transfers, or affects more than one real estate mortgage, instrument, or lien, in which case the filing fee is seven dollars for each mortgage, instrument, or lien assigned, transferred, or affected and referred to in the instrument;
 - (6) taking and filing bond or security costs;
 - (7) filing a trustee qualification, memorandum of trust, or certification of trust;
 - (8) filing a notice of meter conservation charge as permitted by Section [58-37-50](#);
 - (9) the filing, enrolling, satisfaction, or expungement of state or federal liens. The clerk shall mark 'satisfied' upon receipt of the fees provided in this item for any lien or warrant for distraint issued by any agency of this State or of the United States upon receipt of a certificate duly signed by an authorized officer of any agency of this State or of the United States to the effect that the lien or warrant of distraint has been paid;
 - (10) the filing or recording of any commission of a notary public or other public office or any license or permit to practice a profession or trade required to be filed in the county where the individual permanently resides;
 - (11) the filing of the charter of any public or private corporation or association required by law to be recorded;
 - (12) the filing or recording of the dissolution of any partnership or corporate document required to be filed in the county;
 - (13) the filing and enrolling of a judgment by confession;
 - (14) the taking and filing of an order for bail with or without bond;

- (15) the filing of a notice of discharge in bankruptcy;
 - (16) the filing, recording, and indexing of a lis pendens if not accompanied by a summons and complaint. For cancellation of a lis pendens, a fee may be required as provided in Section [15-11-40](#);
 - (17) the recording of a release or discharge of a mechanic's lien, or notice of pendency of an action of suit to enforce a mechanic's lien in accordance with Chapter 5, Title 29; or
 - (18) the filing of a document relating to a title of an interest in a vacation time sharing plan organized under Chapter 32, Title 27, provided, however, that the document must include clear notice on the first page and be titled 'Vacation Time Sharing Ownership Deed', indicating that the document relates to a deeded interest in a vacation time share plan.
- (C) Except as otherwise expressly provided, the clerks of court or county treasurers, as may be determined by the governing body of the county, shall:
- (1) in addition to the fee imposed by Section [14-1-204\(B\)\(1\)](#), collect one hundred dollars for filing a first complaint or petition, including an application for a remedial and prerogative writ and bond in a civil action or proceeding. There is no further fee for filing an amended or supplemental complaint or petition or for filing any other paper in the same action of the proceeding, with the exception of motions. An original application for post-conviction relief may be filed without a fee, upon the permission of the court to which the application is addressed. There is no further fee for entering and filing a verdict, judgment, final decree, or order of dismissal and enrolling judgment thereon; for the signing, sealing, and issuance of execution; or for entering satisfaction or partial satisfaction on a judgment;
 - (2) collect one hundred dollars for filing, indexing, enrolling, and entering a foreign judgment and an affidavit pursuant to Article 11, Chapter 35, Title 15;
 - (3) collect an amount set by the Chief Justice of the South Carolina Supreme Court for filing court documents by electronic means from an integrated electronic filing or e-filing system owned and operated by the South Carolina Judicial Department. All fees must be remitted to the South Carolina Judicial Department to be dedicated to the support of court technology;
 - (4) collect thirty-five dollars for filing and processing an order for the Destruction of Arrest Records, and the fee must be for each order, regardless of the number of cases contained in the order. The fee under the provisions of this item does not apply to cases in which the defendant is found not guilty or in which the underlying charge is dismissed or nol prossed unless that dismissal or nol prossed is the result of the successful completion of a pretrial intervention program;
 - (5) collect thirty-five dollars for receiving and enrolling transcripts of judgment from magistrate courts and federal district courts;
 - (6) collect ten dollars for taking and filing an order for bail, whether or not surety must be justified;
 - (7) collect ten dollars for taking and filing bond or security costs, whether or not surety must be justified;
 - (8) collect ten dollars for issuing an official certificate under the seal of the court not otherwise specified in this section; or
 - (9) collect fifteen dollars as set forth in Section [29-5-23](#) for a Notice of Project Commencement.
- (D) No fee may be charged to a defendant or respondent for filing an answer, return, or other papers in any civil action or proceeding in a court of record."

Time effective

SECTION 2. This act takes effect August 1, 2019.

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

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