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CHAPTER 7

Venue

**SECTION 15‑7‑10.** Actions which must be tried where subject matter situated.

 An action for the following causes must be tried in the county in which the subject of the action or some part of the property is situated, subject to the power of the court to change the place of trial in certain cases as provided in Section 15‑7‑100:

 (1) for the recovery of real property or of an estate or interest in real property, for the determination in any form of the right or interest, and for injuries to real property;

 (2) for the partition of real property;

 (3) for the foreclosure of a mortgage of real property;

 (4) for the recovery of personal property distrained for any cause; and

 (5) for all matters between landlord and tenant pursuant to Chapters 33 through 40 of Title 27 including, but not limited to, an action for (a) possession of land, (b) payment or collection of rent including collection of rent by distraint on a tenant’s property, or (c) damage to or destruction of rental property.

HISTORY: 1962 Code Section 10‑301; 1952 Code Section 10‑301; 1942 Code Section 420; 1932 Code Section 420; Civ. P. ‘22 Section 376; Civ. P. ‘12 Section 172; Civ. P. ‘02 Section 144; 1870 (14) 453 Section 146; 1887 (19) 835; 1894 (21) 793; 2006 Act No. 354, Section 1, eff June 9, 2006.

Effect of Amendment

The 2006 amendment added item (5) relating to matters between landlord and tenant.

**SECTION 15‑7‑20.** Actions which must be tried where cause of action arose.

 Actions for the following causes must be tried in the county where the cause or some part thereof arose, subject to the like power of the court to change the place of trial:

 (1) For the recovery of a penalty or forfeiture imposed by statute, except that when it is imposed for an offense committed on a lake, river or other stream of water situated in two or more counties the action may be brought in any county bordering on such lake, river or stream, and opposite to the place where the offense was committed; and

 (2) Against a public officer or person specially appointed to execute his duties for an act done by him in virtue of his office or against a person who by his command or in his aid shall do anything touching the duties of such officer.

HISTORY: 1962 Code Section 10‑302; 1952 Code Section 10‑302; 1942 Code Section 421; 1932 Code Section 421; Civ. P. ‘22 Section 377; Civ. P. ‘12 Section 173; Civ. P. ‘02 Section 145; 1870 (14) 453 Section 147.

**SECTION 15‑7‑30.** Actions that must be tried in county where defendant resides; definitions; factors to consider in determining venue of actions against resident and nonresident individuals and domestic and foreign corporations.

 (A) As used in this section:

 (1) “Domestic corporation” means a “domestic corporation” as defined in Section 33‑1‑400.

 (2) “Domestic limited partnership” means a “domestic limited partnership” as defined in Section 33‑42‑20.

 (3) “Domestic limited liability company” means a “ domestic limited liability partnership” as defined in Section 33‑41‑1110 with its principal place of business within this State.

 (4) “Domestic limited liability partnership” means a “ domestic limited liability partnership” as defined in Section 33‑41‑1110 with its principal place of business within this State.

 (5) “Foreign corporation” means a “foreign corporation” as defined in Section 33‑1‑400.

 (6) “Foreign limited partnership” means a “foreign limited partnership” as defined in Section 33‑42‑20.

 (7) “Foreign limited liability company” means a “foreign limited liability partnership” as defined in Section 33‑41‑1150 with its principal place of business outside this State.

 (8) “Foreign limited liability partnership” means a “ foreign limited liability partnership” as defined in Section 33‑41‑1150 with its principal place of business outside this State.

 (9) “Nonresident individual” means a person who is not domiciled in this State.

 (10) “Principal place of business” means:

 (a) the corporation’s home office location within the State from which the corporation’s officers direct, control, or coordinate its activities;

 (b) the location of the corporation’s manufacturing, sales, or purchasing facility within the State if the corporation does not have a home office within the State; or

 (c) the location at which the majority of corporate activity takes place if the corporation has multiple offices, centers of manufacturing, sales, or purchasing located within the State if the corporation does not have a home office within the State and has more than one manufacturing, sales, or purchasing facility within the State. The following factors may be considered when determining the location at which the majority of corporate activity takes place:

 (i) the number of employees located in any one county;

 (ii) the authority of the employees located in any one county; or

 (iii) the tangible corporate assets that exist in any one county.

 (11) “Resident individual” means a person who is domiciled in this State.

 (B) In cases not provided for in Sections 15‑7‑10, 15‑7‑20, or 15‑78‑100, the action must be tried in the county where it properly may be brought and tried against the defendant according to the provisions of this section. If there is more than one defendant, the action may be tried in any county where the action properly may be maintained against one of the defendants pursuant to this section. This section is subject to the power of the court in the county where the action properly may be maintained according to this section to change the place of trial as provided in Section 15‑7‑100 or as otherwise provided by law.

 (C) A civil action tried pursuant to this section against a resident individual defendant must be brought and tried in the county in which the:

 (1) defendant resides at the time the cause of action arose; or

 (2) most substantial part of the alleged act or omission giving rise to the cause of action occurred.

 (D) A civil action tried pursuant to this section against a nonresident individual defendant must be brought and tried in the county in which the:

 (1) most substantial part of the alleged act or omission giving rise to the cause of action occurred; or

 (2) plaintiff resides at the time the cause of action arose, or if the plaintiff is a domestic corporation, domestic limited partnership, domestic limited liability company, domestic limited liability partnership, foreign corporation, foreign limited partnership, foreign limited liability company, or foreign limited liability partnership, at its principal place of business at the time the cause of action arose.

 (E) A civil action tried pursuant to this section against a domestic corporation, domestic limited partnership, domestic limited liability company, or domestic limited liability partnership, must be brought and tried in the county in which the:

 (1) corporation, limited partnership, limited liability company, or limited liability partnership has its principal place of business at the time the cause of action arose; or

 (2) most substantial part of the alleged act or omission giving rise to the cause of action occurred.

 (F) A civil action tried pursuant to this section against a foreign corporation required to possess and possessing a certificate of authority under the provisions of Section 33‑15‑101 et seq., a foreign limited partnership required to possess and possessing a certificate of authority under the provisions of Section 33‑15‑101 et seq., a foreign limited liability company required to possess and possessing a certificate of authority under the provisions of Section 33‑15‑101 et seq., or a foreign limited liability partnership required to possess and possessing a certificate of authority under the provisions of Section 33‑15‑101 et seq. must be brought and tried in the county in which the:

 (1) most substantial part of the alleged act or omission giving rise to the cause of action occurred; or

 (2) foreign corporation, foreign limited partnership, foreign limited liability company, or foreign limited liability partnership has its principal place of business at the time the cause of action arose.

 (G) A civil action tried pursuant to this section against a foreign corporation, except a foreign corporation described in subsection (F); a foreign limited partnership, except a foreign limited partnership described in subsection (F); a foreign limited liability company, except a foreign limited liability company described in subsection (F); or a foreign limited liability partnership, except a foreign limited liability partnership described in subsection (F); must be brought and tried in the county in which the:

 (1) most substantial part of the alleged act or omission giving rise to the cause of action occurred;

 (2) plaintiff resides at the time the cause of action arose, or if the plaintiff is a domestic corporation, domestic limited partnership, domestic limited liability company, domestic limited liability partnership, foreign corporation, foreign limited partnership, foreign limited liability company, or foreign limited liability partnership, at its principal place of business at the time the cause of action arose; or

 (3) foreign corporation, foreign limited partnership, foreign limited liability company, or foreign limited liability partnership has its principal place of business at the time the cause of action arose.

 (H) Owning property and transacting business in a county is insufficient in and of itself to establish the principal place of business for a corporation for purposes of this section.

HISTORY: 1962 Code Section 10‑303; 1952 Code Section 10‑303; 1942 Code Section 422; 1932 Code Section 422; Civ. P. ‘22 Section 378; Civ. P. ‘12 Section 174; Civ. P. ‘02 Section 146; 1870 (14) 453 Section 148; 1875 (15) 913; 1898 (22) 687; 1905 (24) 848; 2005 Act No. 27, Section 3, eff July 1, 2005, applicable to causes of action arising on or after that date.

Effect of Amendment

The 2005 amendment, added subsection (A); designated the original text as subsection (B) and rewrote it; and added subsections (C) to (H).

**SECTION 15‑7‑40.** Suits against certain fiduciaries.

 Any administrator or administratrix appointed by any probate court of this State may be sued in the county where such administration has been granted. Any executor or executrix may likewise be sued in the county where the testator’s will has been proved or admitted to probate. Any guardian may likewise be sued in the county in which the letters of guardianship have been issued.

HISTORY: 1962 Code Section 10‑304; 1952 Code Section 10‑304; 1942 Code Section 422; 1932 Code Section 422; Civ. P. ‘22 Section 378; Civ. P. ‘12 Section 174; Civ. P. ‘02 Section 146; 1870 (14) 453 Section 148; 1875 (15) 913; 1898 (22) 687; 1905 (24) 848.

**SECTION 15‑7‑50.** Hearing elsewhere by consent.

 Nothing in Sections 15‑7‑10, 15‑7‑30 or 15‑7‑40 contained shall be so construed as to prevent the hearing of any such action as is referred to in those sections by consent of the parties or their attorneys and of the guardian ad litem of any infant party to the action in a county other than that in which the action may have been brought and may be pending or other than that in which the property is situated.

HISTORY: 1962 Code Section 10‑305; 1952 Code Section 10‑305; 1942 Code Sections 420, 422; 1932 Code Sections 420, 422; Civ. P. ‘22 Sections 376, 378; Civ. P. ‘12 Sections 172, 174; Civ. P. ‘02 Sections 144, 146; 1870 (14) 453 Sections 146, 148; 1875 (15) 913; 1887 (19) 835; 1894 (21) 793; 1898 (22) 687; 1905 (24) 848.

**SECTION 15‑7‑60.** Suits for penalty on freight claims.

 Any action to recover a penalty against any common carrier for loss, delay or damage to freight may be brought before any court of competent jurisdiction in any county in this State in which the cause of action for the damage in such case may be brought.

HISTORY: 1962 Code Section 10‑306; 1952 Code Section 10‑306; 1942 Code Section 7170; 1932 Code Section 7170; Civ. C. ‘22 Section 3892; Civ. C. ‘12 Section 2576; 1909 (26) 22.

**SECTION 15‑7‑70.** Suits against insurance companies.

 All suits brought against any and all fire, life or other insurance companies doing business in this State may be brought in the county where the loss occurs. But nothing herein contained shall be so construed as to prevent the court from changing the place of trial for any of the causes provided for in Section 15‑7‑100.

HISTORY: 1962 Code Section 10‑307; 1952 Code Section 10‑307; 1942 Code Section 423; 1932 Code Sections 423, 7997; Civ. P. ‘22 Section 379; Civ. P. ‘12 Section 175; Civ. C. ‘22 Section 4111; Civ. C. ‘12 Section 2732; 1906 (25) 111.

**SECTION 15‑7‑80.** Suits by certain mutual insurance companies against members.

 All suits instituted by any mutual life insurance company or mutual fire insurance company formed in this State against a member or former member of such company or any receiver of such company against any member or former member of such company shall be brought in the county in which such member resides.

HISTORY: 1962 Code Section 10‑308; 1952 Code Section 10‑308; 1942 Code Section 424; 1932 Code Section 424; Civ. P. ‘22 Section 380; 1912 (27) 776.

**SECTION 15‑7‑90.** Removal of suits by certain mutual insurance companies against members.

 Wherever any such suit or proceeding has been brought, either as an independent suit or an ancillary proceeding to a receivership suit, in any county other than the county where the member or former member resides the court where such proceeding is pending shall, upon motion of such member or former member sued, on affidavit showing that he resides in a different county, remove for trial such suit or proceeding to the county where such member or former member resides.

HISTORY: 1962 Code Section 10‑309; 1952 Code Section 10‑309; 1942 Code Section 425; 1932 Code Section 425; Civ. P. ‘22 Section 381; 1912 (27) 776.

**SECTION 15‑7‑100.** Changing place of trial.

 (A) The court may change the place of trial if:

 (1) it is a court in a county designated for that purpose in the complaint, but the designated county is not the proper county pursuant to the provisions of Chapter 7 of Title 15 of the 1976 Code or other statutes providing for the venue of actions;

 (2) there is reason to believe that a fair and impartial trial cannot be had there; or

 (3) the convenience of witnesses and the ends of justice would be promoted by the change.

 (B) When the place of trial is changed, all other proceedings must be in the county to which the place of trial is changed, unless otherwise provided by the consent of the parties in writing duly filed or by order of the court. The pleadings and other papers must be filed or transferred accordingly.

HISTORY: 1962 Code Section 10‑310; 1952 Code Section 10‑310; 1942 Code Sections 35, 426; 1932 Code Sections 35, 426; Civ. P. ‘22 Sections 34, 382; Civ. P. ‘12 Section 176; Civ. P. ‘02 Section 147; Civ. C. ‘12 Section 3832; Civ. C. ‘02 Section 2735; G. S. 2114; R. S. 2246; 1870 (14) 339, 453 Section 149; 1879 (17) 14; 1896 (22) 12; 1905 (24) 845; 2005 Act No. 27, Section 4, eff July 1, 2005, applicable to causes of action arising on or after that date.

Effect of Amendment

The 2005 amendment designated subsections (A) and (B); rewrote subsection (A)(1); in subsection (B) in the second sentence substituted “The pleadings and other papers must” for “And the papers shall”; and made language changes throughout.

**SECTION 15‑7‑110.** Procedure for changing place of trial when fair and impartial trial cannot be had in county.

 When the ground for a change of place of trial in a circuit court in a case in which such court has original jurisdiction is that a fair and impartial trial cannot be had in the county in which such action was commenced the application for removal must be made by some party interested to the judge sitting in regular term. Such application must be supported by an affidavit that a fair and impartial trial cannot be had in such county. Four days’ notice of such application shall be given to the adverse party, but such adverse party shall have the right to waive such notice. The circuit judge shall have the power, upon application made to him by either party and upon proper cause shown, to shorten or extend the time for the hearing of such application. If a change is ordered it shall be to a county in the same judicial circuit, and the judge shall order the record to be removed to such county.

HISTORY: 1962 Code Section 10‑311; 1952 Code Section 10‑311; 1942 Code Section 35; 1932 Code Section 35; Civ. P. ‘22 Section 34; Civ. C. ‘12 Section 3832; Civ. C. ‘02 Section 2735; G. S. 2114; R. S. 2246; 1870 (14) 339; 1896 (22) 12; 1905 (24) 845.

**SECTION 15‑7‑120.** Application of contract and arbitration agreements relative to venue of actions.

 (A) Notwithstanding a provision in a contract requiring a cause of action arising under it to be brought in a location other than as provided in this title and the South Carolina Rules of Civil Procedure for a similar cause of action, the cause of action alternatively may be brought in the manner provided in this title and the South Carolina Rules of Civil Procedure for such causes of action.

 (B) A provision in an arbitration agreement that arbitration proceedings must be held outside this State is not enforceable with respect to a cause of action, which, but for the arbitration agreement, is triable in the courts of this State. The enforceability of the remaining provisions of the arbitration agreement and the method of selecting a forum for the conduct of the arbitration proceedings is as provided in this title, the Federal Arbitration Act, and any applicable rules of arbitration.

 (C) This act applies to contracts entered into after the effective date of this section.

HISTORY: 1990 Act No. 397, Section 1.