

## Session 113 - (1999-2000)

### H\*4460 (Rat #0462, Act #0409 of 2000) General Bill, By McGee

**Summary:** Property, rental; ejection of tenants, landlords, service of rule; distress proceedings; Courts, Magistrates, Larceny

A BILL TO AMEND SECTION 16-13-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF LARCENY FOR FAILURE TO RETURN RENTED OBJECTS, SO AS TO INCLUDE CLOTHING AND FORMAL WEAR TO THE LIST OF RENTAL ITEMS INCLUDED IN THIS OFFENSE; TO AMEND SECTION 22-8-40, AS AMENDED, RELATING TO FULL-TIME AND PART-TIME MAGISTRATES AND MAGISTRATES' SALARIES, SO AS TO CHANGE AN INCORRECT REFERENCE; TO AMEND SECTION 27-39-230, RELATING TO THE COLLECTION OF RENT BY DISTRESS PROCEEDINGS AND THE PROPERTY EXEMPT FROM DISTRESS, SO AS TO INCLUDE AS EXEMPT PROPERTY THAT WHICH IS OWNED BY A THIRD PARTY FOR WHICH THE MAGISTRATE FINDS OWNERSHIP WAS NOT TRANSFERRED FROM THE TENANT TO THE THIRD PARTY FOR THE PURPOSE OF AVOIDING DISTRAINT; TO AMEND SECTION 27-39-250, RELATING TO THE PROPERTY OF OTHERS ON THE RENTED PREMISES, SO AS TO REQUIRE THE MAGISTRATE TO CONDUCT A HEARING CONCERNING THE OWNERSHIP OF THE PROPERTY OF A THIRD PARTY AND IF THE MAGISTRATE FINDS THE PROPERTY WAS TRANSFERRED TO THE THIRD PARTY FOR THE PURPOSE OF AVOIDING DISTRAINT, THEN THE DISTRAINED PROPERTY OF THE THIRD PARTY IS SUBJECT TO SALE; TO AMEND SECTION 27-37-10, RELATING TO THE GROUNDS FOR EJECTION OF TENANTS, SO AS TO PROVIDE UNDER CERTAIN CONDITIONS FOR RESIDENTIAL RENTAL AGREEMENTS THAT THE NONPAYMENT OF RENT WITHIN FIVE DAYS OF THE DATE DUE CONSTITUTES LEGAL NOTICE THAT THE LANDLORD MAY BEGIN EJECTION PROCEEDINGS; TO AMEND SECTION 27-37-30, AS AMENDED, RELATING TO SERVICE OF THE RULE TO SHOW CAUSE IN EJECTION PROCEEDINGS, SO AS TO DEFINE ABANDONED AS IN RESIDENTIAL RENTAL AGREEMENTS AND IN NONRESIDENTIAL RENTAL AGREEMENTS, TO PROVIDE THAT PERSONAL SERVICE OF THE RULE MUST BE ATTEMPTED TWO TIMES INSTEAD OF THREE TIMES, TO PROVIDE THE RULE MUST BE AFFIXED TO THE MOST CONSPICUOUS PART OF THE PREMISES ON THE FIRST UNSUCCESSFUL ATTEMPT AT PERSONAL SERVICE, AND TO PROVIDE THE SPECIFIED TIME PERIOD BEGINS TO RUN AT THE TIME OF CONTACT IF THE TENANT CONTACTS THE COURT BEFORE THE ELEVENTH DAY FROM THE TIME OF MAILING THE RULE.-AMENDED TITLE

01/19/00	House	Introduced and read first time HJ-17
01/19/00	House	Referred to Committee on Judiciary HJ-17
04/19/00	House	Committee report: Favorable Judiciary HJ-13
04/26/00	House	Requests for debate-Rep(s). Kirsh, Moody-Lawrence, Meacham-Richardson, Trotter and Kennedy HJ-56
05/04/00	House	Requests for debate removed-Rep(s). Kirsh and Meacham-Richardson HJ-43
05/09/00	House	Read second time HJ-36
05/11/00	House	Read third time and sent to Senate HJ-15
05/16/00	Senate	Introduced and read first time SJ-10
05/16/00	Senate	Referred to Committee on Judiciary SJ-10
05/23/00	Senate	Recalled from Committee on Judiciary SJ-6
05/23/00	Senate	Read second time SJ-6
05/23/00	Senate	Ordered to third reading with notice of amendments SJ-6
06/01/00	Senate	Amended SJ-144
06/01/00	Senate	Read third time and returned to House with amendments SJ-144
06/01/00	Senate	Recalled from House SJ-148
06/01/00	House	Returned
06/21/00	Senate	Reconsidered SJ-40
06/21/00	Senate	Amended SJ-40
06/21/00	Senate	Read third time and returned to House with amendments SJ-40
06/22/00	Senate	Recalled from House
06/22/00	House	Returned HJ-90
06/22/00	Senate	Reconsidered
06/22/00	Senate	Amended
06/22/00	Senate	Read third time and returned to House with amendments
06/22/00	House	Concurred in Senate amendment and enrolled HJ-150

<b>06/22/00</b>	<b>Ratified R 462</b>
<b>10/18/00</b>	<b>Signed By Governor</b>
<b>10/18/00</b>	<b>Effective date 10/18/00; however, the completion of the requirement contained in Sec 22-1-16 of 1976 Code for purposes of Sec 22-8-40(B)(1)(b) of the 1976 Code, as amended in Sec 2 of this act, applies to magistrates whose initial appointment begins on or after 07/01/01</b>
<b>11/08/00</b>	<b>Copies available</b>
<b>11/08/00</b>	<b>Act No. 409</b>