~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 31, 2010

**S. 285**

Introduced by Senators Malloy and Bright

S. Printed 3/31/10--S. [SEC 4/6/10 4:31 PM]

Read the first time January 15, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 285) to amend Section 22‑3‑10 of the 1976 Code, relating to the civil jurisdiction of magistrates, to increase the civil jurisdiction to fifteen thousand, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ A BILL

TO AMEND SECTION 22‑3‑10 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES, TO INCREASE THE CIVIL JURISDICTION TO TEN THOUSAND DOLLARS.

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

SECTION 1. Section 22‑3‑10 of the 1976 Code is amended to read:

“Section 22‑3‑10. Magistrates have concurrent civil jurisdiction in the following cases:

(1) in actions arising on contracts for the recovery of money only, if the sum claimed does not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(2) in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(3) in actions for a penalty, fine, or forfeiture, when the amount claimed or forfeited does not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(4) in actions commenced by attachment of property, as provided by statute, if the debt or damages claimed do not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(5) in actions upon a bond conditioned for the payment of money, not exceeding ~~seven thousand five hundred~~ ten thousand dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due, and when the payments are to be made by installments, an action may be brought for each installment as it becomes due;

(6) in any action upon a surety bond taken by them when the penalty or amount claimed does not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(7) in any action upon a judgment rendered in a court of a magistrate or an inferior court when it is not prohibited by the South Carolina Rules of Civil Procedure;

(8) to take and enter judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(9) in any action for damages or for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed ~~seven thousand five hundred~~ ten thousand dollars;

(10) in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27;

(11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of ~~seven thousand five hundred~~ ten thousand dollars;

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed ~~seven thousand five hundred~~ ten thousand dollars, except that this limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land;

(13) in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed ~~seven thousand five hundred~~ ten thousand dollars; and

(14) in actions for damages arising from a person’s failure to return leased or rented personal property within seventy‑two hours after the expiration of the lease or rental agreement, such damages to be based on the loss of revenue or replacement value of the property, whichever is less, if the damages claimed do not exceed ~~seven thousand five hundred~~ ten thousand dollars; however, the lease or rental agreement must set forth the manner in which the amount of the loss of revenue or replacement value of the item leased or rented is calculated.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

GERALD MALLOY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

The Judicial Department indicates this bill will have a negative impact on the agency’s other funds revenue collections. The bill would move some civil proceedings that are currently being heard by the Circuit Court to the Magistrate Courts, thereby reducing filing fee revenue collected by the department. The number of cases that would be moved to the Magistrate Courts and the impact on the departments other funds revenue is not readily determinable.

**LOCAL GOVERNMENT IMPACT:**

Responses from one county indicate enactment would increase Magistrate Court caseload. Case load could increase by 50% or more which would likely require additional clerks. Respondents indicated the additional revenue would likely not offset the additional costs.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 22‑3‑10 OF THE 1976 CODE, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES, TO INCREASE THE CIVIL JURISDICTION TO FIFTEEN THOUSAND DOLLARS.

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

SECTION 1. Section 22‑3‑10 of the 1976 Code is amended to read:

“Section 22‑3‑10. Magistrates have concurrent civil jurisdiction in the following cases:

(1) in actions arising on contracts for the recovery of money only, if the sum claimed does not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(2) in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(3) in actions for a penalty, fine, or forfeiture, when the amount claimed or forfeited does not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(4) in actions commenced by attachment of property, as provided by statute, if the debt or damages claimed do not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(5) in actions upon a bond conditioned for the payment of money, not exceeding ~~seven thousand five hundred~~ fifteen thousand dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due, and when the payments are to be made by installments an action may be brought for each installment as it becomes due;

(6) in any action upon a surety bond taken by them, when the penalty or amount claimed does not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(7) in any action upon a judgment rendered in a court of a magistrate or an inferior court when it is not prohibited by the South Carolina Rules of Civil Procedure;

(8) to take and enter judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(9) in any action for damages or for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed ~~seven thousand five hundred~~ fifteen thousand dollars;

(10) in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27;

(11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of ~~seven thousand five hundred~~ fifteen thousand dollars;

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed ~~seven thousand five hundred~~ fifteen thousand dollars, except that this limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land;

(13) in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed ~~seven thousand five hundred~~ fifteen thousand dollars; and

(14) in actions for damages arising from a person’s failure to return leased or rented personal property within seventy‑two hours after the expiration of the lease or rental agreement, such damages to be based on the loss of revenue or replacement value of the property, whichever is less, if the damages claimed do not exceed ~~seven thousand five hundred~~ fifteen thousand dollars; however, the lease or rental agreement must set forth the manner in which the amount of the loss of revenue or replacement value of the item leased or rented is calculated.”

SECTION 2. This act takes effect upon approval by the Governor.

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