**South Carolina General Assembly**

119th Session, 2011-2012

**S. 108**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Verdin

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Companion/Similar bill(s): 3103

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: U.S. Flag

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 51](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 51](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\108_20101201.docx)

**A** **BILL**

TO AMEND SECTION 27‑1‑60 OF THE 1976 CODE, RELATING TO THE RIGHT OF A HOMEOWNER OR A TENANT TO DISPLAY THE UNITED STATES FLAG ON REAL PROPERTY HE OWNS OR IS ENTITLED TO USE, TO AUTHORIZE THE DISPLAY OF ONE PORTABLE, REMOVABLE UNITED STATES FLAG IN A RESPECTFUL MANNER, CONSISTENT WITH 4 U.S.C. SECTIONS 4‑10, TO AUTHORIZE THE DISPLAY OF ONE PORTABLE, REMOVABLE HISTORIC FLAG THAT IS DISPLAYED IN A RESPECTFUL MANNER AND TO APPLY THE PROVISION RETROACTIVELY, AND TO DEFINE ‘HISTORIC FLAG’.

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

SECTION 1. Section 27‑1‑60 of the 1976 Code is amended to read:

“Section 27‑1‑60. (A) Regardless of any restrictive covenant, declaration, rule, contractual provision, or other ~~requirement concerning flags or decorations~~ provision found in a deed, contract, lease, rental agreement, or homeowners’ association document concerning the display of flags or decorations on real property, ~~any~~ a homeowner or tenant may display one portable, removable United States flag in a respectful manner, consistent with ~~36 U.S.C. Sections 171‑178~~ 4 U.S.C. Sections 4‑10, as amended, or one portable, removable historic flag in a respectful manner, on the premises of the property of which he is entitled to use.

(B)~~(1)~~ ~~No~~ A homeowners’ association document, restrictive covenant in a deed, rental agreement, lease, or another contract ~~may~~ shall not preclude the display of one portable, removable United States flag by a ~~homeowners~~ homeowner or tenant if~~. However,~~ ~~the flag must be~~ displayed in a respectful manner, consistent with ~~36 U.S.C. Sections 171‑178~~ 4 U.S.C. Sections 4‑10, as amended, or one portable, removable historic flag that is displayed in a respectful manner.

~~(2)~~ ~~No restrictive covenant in a deed may preclude the display of one portable, removable United States flag on the property. However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.~~

~~(3)~~ ~~No rental agreement, lease, or contract may preclude the display of one portable, removable United States flag on the premises of any tenant. However, the flag must be displayed in a respectful manner, consistent with 36 U.S.C. Sections 171‑178, as amended.~~

(C) For purposes of this section:

(1) ‘Historic flag’ means any flag that is significant in the history of the United States, a state, or a state’s political subdivisions.

~~(1)~~(2) ‘Homeowner’ means a person who holds title to real property, in fee simple or otherwise, to enjoy the rights of use and possession including, but not limited to, an owner of real property subject to a homeowners’ association, an owner of an interest in a vacation time sharing plan, and a co‑owner under a horizontal property regime~~;~~.

~~(2)~~(3) ‘Homeowners’ association’ has the same meaning as provided in Section 12‑43‑230~~;~~.

~~(3)~~(4) ‘Homeowners’ association document’ includes, but is not limited to, declarations of covenants, articles of incorporation, bylaws, or ~~any~~ similar document concerning the rights of property owners to use their property~~; and~~ .

~~(4)~~(5) ‘Tenant’ means ~~any tenant~~ a temporary occupant of real property under a rental agreement executed pursuant to Chapter 40, Title 27, ~~any tenant~~ under a rental agreement executed pursuant to Chapter 47, Title 27, ~~any tenant~~ under a vacation time sharing plan, ~~any tenant~~ or under a horizontal property regime, and ~~any~~ a person who leases commercial or residential real property under a contractual agreement.”

SECTION 2. This act takes effect upon approval by the Governor and applies retroactively regardless of the date of adoption of any restrictive covenant, declaration, rule, contractual provision, or other requirement concerning the display of flags or decorations found in a deed, contract, lease or rental agreement, or homeowners’ association document.

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