**South Carolina General Assembly**

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**S. 278**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

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Introduced in the Senate on January 24, 2017

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

Summary: Recording of public record

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2017 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h:\sj\20170124.docx))

1/24/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h:\sj\20170124.docx))

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**VERSIONS OF THIS BILL**

[1/24/2017](file:///p:\pprever\2017-18\278_20170124.docx)

**A** **BILL**

TO AMEND CHAPTER 5, TITLE 30 OF THE 1976 CODE, RELATING TO THE RECORDING OF PUBLIC RECORDS, BY ADDING SECTION 30‑5‑25, TO PROVIDE UNIFORM STANDARDS FOR FORMATTING DOCUMENTS SUBMITTED TO A CLERK OF COURT OR REGISTER OF DEEDS FOR RECORDING, TO PROVIDE A SIX‑MONTH GRACE PERIOD, TO PROVIDE THAT AFTER THE GRACE PERIOD A NONCONFORMING DOCUMENT MUST BE ACCEPTED FOR RECORDING WITH THE IMPOSITION OF A NONREFUNDABLE FINE TO BE DEPOSITED IN THE COUNTY GENERAL FUND OR MUST BE REFUSED FOR RECORDING, AND TO PROVIDE AN EXEMPTION FOR DOCUMENTS FILED ELECTRONICALLY PURSUANT TO THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.

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

SECTION 1. Chapter 5, Title 30 of the 1976 Code is amended by adding:

“Section 30‑5‑25. (A)(1) Except as otherwise provided by statute, any court document, deed, or other document or instrument being recorded by a clerk of court or register of deeds in this State:

(a) may be handwritten if written legibly, which for the purposes of this section means writing that can be read by a person of reasonable understanding and physical capabilities, provided, however, that a determination of legibility is wholly within the discretion of the clerk of court or register of deeds to whom the document is submitted for recording;

(b) must be submitted on paper that measures eight and one half inches by eleven inches in size;

(c) must have margins on the first page that are two inches at the top margin, one and one‑half inches at the left margin, one inch at the right margin, and one inch at the bottom margin;

(d) may consist of duplex pages, but may not be a continuous form document or fan‑folded form document;

(e) must include the name of the person to whom the document should be returned after recording in the left hand corner of the document, within the two‑inch top margin, and with the space occupied by this name not extending above or below this two-inch margin or being greater than three inches in width;

(f) must not contain rivets, wax seals, fancy seals, ribbons, or backing paper, provided, however, that an embossed seal or a stamped seal is acceptable; and

(g) must have the name of each party legibly printed or typed beneath the corresponding signature for any signature appearing in the document.

(2) In addition to the other requirements of this subsection, lines of text in pleadings, motions, or any other document submitted to a court must be spaced at least one and one‑half lines apart.

(B) A clerk of court or register of deeds who receives a document that fails to conform with the requirements of this section:

(1) within six months after the effective date of this section shall accept the document for recording if the document otherwise complies with applicable provisions of law; and

(2) after six months following the effective date of this section shall:

(a) refuse to record the document; or

(b) accept the document for recording and assess a nonrefundable fee of ten dollars in addition to the usual recording fee. This fee must be transmitted to the county treasurer for deposit in the general fund of the county.

(C) The provisions of this section do not apply to a document submitted electronically pursuant to the Uniform Real Property Electronic Recording Act pursuant to Chapter 6, Title 30 but do apply to any paper document, as defined in Section 30‑6‑40, submitted for recording under that act.”

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

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