**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 57**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Allen and Gregory

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Introduced in the Senate on January 10, 2017

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

Summary: Overages from tax sales

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Finance**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 42](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Finance** ([Senate Journal‑page 42](file:///h:\sj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=57&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\57_20161213.docx)

**A** **BILL**

TO AMEND SECTION 12‑51‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OVERAGES FROM A TAX SALE, SO AS TO PROVIDE THAT ONLY THE OWNER OF AN OVERAGE MAY CLAIM THE OVERAGE, AND TO PROVIDE THAT ANY PERSONAL IDENTIFYING INFORMATION THAT IDENTIFIES THE OWNER IS EXEMPT FROM THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT; AND TO AMEND SECTION 30‑4‑40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE, SO AS TO MAKE A CONFORMING CHANGE.

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

SECTION 1. Section 12‑51‑130 of the 1976 Code is amended to read:

“Section 12‑51‑130. Upon failure of the defaulting taxpayer, a grantee from the owner, a mortgagee, a judgment creditor, or a lessee of the property to redeem realty within the time period allowed for redemption, the person officially charged with the collection of delinquent taxes, within thirty days or as soon after that as possible, shall make a tax title to the purchaser or the purchaser’s assignee. Delivery of the tax title to the clerk of court or register of deeds is considered ‘putting the purchaser, or assignee, in possession’. The tax title must include, among other things, the name of the defaulting taxpayer, the name of any grantee of record of the property, the date of execution, the date the realty was posted and by whom, and the dates each certified notice was mailed to the party or parties of interest, to whom mailed and whether or not received by the addressee. The successful purchaser, or assignee, is responsible for the actual cost of preparing the tax title plus documentary stamps necessary to be affixed and recording fees. The successful purchaser, or assignee, shall pay the amounts to the person officially charged with the collection of delinquent taxes before delivery of the tax title to the clerk of court or register of deeds and, upon payment, the person officially charged with the collection of delinquent taxes is responsible for promptly transmitting the tax title to the clerk of court or register of deeds for recording and remitting the recording fee and documentary stamps cost. If the tax sale of an item produced more cash than the full amount due in taxes, assessments, penalties, and costs, the overage must be applied to any outstanding municipal tax liens on the property. Any remaining overage belongs to the owner of record ~~immediately before the end of the redemption period~~ at the time of the tax sale to be claimed ~~or assigned~~ according to law. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant. If ~~neither~~ not claimed ~~nor assigned~~ within five years of date of public auction tax sale, the overage shall escheat to the general fund of the governing body. Before the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle and the governing body of the political subdivision is entitled to the earnings for keeping the overage. Any personal identifying information that identifies an owner of an overage is exempt from the provisions of Chapter 4, Title 30. On escheat date the overage must be transferred to the general funds of the governing body.”

SECTION 2. Section 30‑4‑40(a) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) Any personal identifying information that identifies an owner of an overage amount resulting from a tax sale pursuant to Section 12‑51‑130.”

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

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