**South Carolina General Assembly**

124th Session, 2021-2022

**A213, R241, S1031**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Grooms, Senn, Loftis and Verdin

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Introduced in the Senate on February 1, 2022

Introduced in the House on April 6, 2022

Last Amended on May 12, 2022

Currently residing in the Senate

Governor's Action: May 23, 2022, Signed

Summary: Register of deeds

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/1/2022 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj\20220201.docx))

2/1/2022 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h:\sj\20220201.docx))

2/10/2022 Senate Referred to Subcommittee: Campsen (ch), Sabb, Senn, M.Johnson, Stephens

3/16/2022 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 7](file:///h:\sj\20220316.docx))

3/31/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 23](file:///h:\sj\20220331.docx))

3/31/2022 Senate Read second time ([Senate Journal‑page 23](file:///h:\sj\20220331.docx))

3/31/2022 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 23](file:///h:\sj\20220331.docx))

4/5/2022 Senate Read third time and sent to House ([Senate Journal‑page 18](file:///h:\sj\20220405.docx))

4/6/2022 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj\20220406.docx))

4/6/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj\20220406.docx))

5/3/2022 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 79](file:///h:\hj\20220503.docx))

5/5/2022 House Debate adjourned ([House Journal‑page 92](file:///h:\hj\20220505.docx))

5/10/2022 House Amended ([House Journal‑page 157](file:///h:\hj\20220510.docx))

5/10/2022 House Requests for debate‑Rep(s).  King, Cobb‑Hunter, Brawley, Henegan, JL Johnson, Magnuson ([House Journal‑page 157](file:///h:\hj\20220510.docx))

5/11/2022 House Read second time

5/11/2022 House Roll call Yeas‑108 Nays‑1

5/12/2022 House Read third time and returned to Senate with amendments ([House Journal‑page 109](file:///h:\hj\20220512.docx))

5/12/2022 Senate Non‑concurrence in House amendment ([Senate Journal‑page 89](file:///h:\sj\20220512.docx))

5/12/2022 House House recedes from amendment(s) ([House Journal‑page 131](file:///h:\hj\20220512.docx))

5/12/2022 Senate Ordered enrolled for ratification ([Senate Journal‑page 90](file:///h:\sj\20220512.docx))

5/18/2022 Ratified R 241

5/23/2022 Signed By Governor

6/1/2022 Effective date 06/22/22

6/1/2022 Act No.  213

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**VERSIONS OF THIS BILL**

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(A213, R241, S1031)

**AN ACT** **TO AMEND SECTION 30-5-5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS FOR ELIGIBILITY TO SERVE OR CONTINUE TO SERVE AS A REGISTER OF DEEDS, AND TO PROVIDE QUO WARRANTO ACTIONS MAY BE BROUGHT TO DETERMINE THE ELIGIBILITY OF A PERSON TO SEEK OR CONTINUE TO SERVE AS A REGISTER OF DEEDS; TO AMEND SECTION 30-5-90, RELATING TO THE TIME WITHIN WHICH A REGISTER OF DEEDS SHALL RECORD CERTAIN INSTRUMENTS, SO AS TO PROVIDE SUCH A REGISTER OF DEEDS SHALL FILE SUCH INSTRUMENTS WITHIN THIRTY DAYS AFTER ITS LODGMENT; TO PROVIDE CERTAIN PROVISIONS OF THIS ACT DO NOT APPLY TO PERSONS WHO HOLD THE OFFICE OF REGISTER OF DEEDS ON THE EFFECTIVE DATE OF THIS ACT AND DURING HIS TENURE IN OFFICE; AND TO PROVIDE AFFIRMATIVE DEFENSE TO QUO WARRANTO ACTIONS BROUGHT PURSUANT TO THIS ACT.**

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

**Qualifications for eligibility to serve, quo warranto actions to determine eligibility**

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

“Section 30‑5‑5. (A) In order to be eligible to serve or continue to serve as the register of deeds, a person must:

(1) be a citizen of the United States and of this State;

(2) be a qualified elector of the applicable county;

(3) have:

(a) a four‑year bachelor’s degree from an accredited post‑secondary institution; or

(b) at least four years’ experience:

(i) in the fields of law, real estate, or accounting; or

(ii) as an employee in a register of deeds office in this State; or

(iii) as a register of deeds in this State; and

(c) for an appointed register of deeds, a person must comply with any county requirements not conflicting with the qualifications in this section and the Constitution of South Carolina; and

(4) not have a pattern of failing to properly record in the time and manner prescribed in Section 30‑5‑90.

(B) A quo warranto action may be brought in accordance with Section 15‑63‑60 to determine a person’s eligibility to seek the position of register of deeds or continue to serve as register of deeds.”

**Recording time requirements**

SECTION 2. Section 30‑5‑90 of the 1976 Code is amended to read:

“Section 30‑5‑90. The register of deeds is required to record in the order of the times at which they may be brought to his office, all marriage settlements and all conveyances and mortgages, renunciations of dower and other writings concerning the titles to lands situate in his county which may be lodged with him to be recorded if the execution of any such writing shall be proved by affidavit of a subscribing witness, or otherwise, as herein provided. Every such writing shall be recorded within thirty days after its lodgment and the recording shall bear even date with the lodgment. On every such writing shall be endorsed a certificate, to be signed by the register or his deputy, specifying the time when and book and page where it was recorded.”

**Exemptions for persons currently in office**

SECTION 3. Section 30‑5‑5(A)(3)(a) and (b), as added by this act, do not apply to a person who holds the office of register of deeds on the effective date of this act and during his tenure in office.

**Affirmative defense to quo warranto actions**

SECTION 4. If a quo warranto action is brought in accordance with Section 15‑63‑60 alleging (a) a register of deeds has a pattern of failing to record in the time and manner prescribed in Section 30‑5‑90, and (b) the pattern of failing to record occurred only prior to the effective date of this act, then the register of deeds may assert as an affirmative defense to the action that, on the date the action is filed and for thirty consecutive days thereafter, no properly delivered and executed document remains unrecorded in the office for more than thirty days after its receipt.

**Time effective**

SECTION 5. This act takes effect thirty days after approval by the Governor.

Ratified the 18th day of May, 2022.

Approved the 23rd day of May, 2022.

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