~~Indicates Matter Stricken~~

Indicates New Matter

HOUSE RECEDED FROM ITS AMENDMENT

May 12, 2022

**S. 1031**

Introduced by Senators Campsen, Grooms, Senn, Loftis and Verdin

S. Printed 5/11/22--H.

Read the first time April 6, 2022.

**A** **BILL**

TO AMEND SECTION 30-5-10 OF THE 1976 CODE, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF REGISTER OF DEEDS.

Amend Title To Conform

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 30-5-5. (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.”

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 ~~one month~~ 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.”

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.

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.

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

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