**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5035**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Newton, Hiott, Southard, Bowers, McCoy, Clemmons, Loftis, Crosby, Allison, J.E. Smith, Horne, Cobb‑Hunter, Patrick, Tallon, Merrill, Hamilton, Erickson, Govan, Quinn, Bedingfield, Bernstein, Kennedy, Bowen, Brannon, Anthony, Sabb, Murphy, Long, Atwater, Stavrinakis, Whipper, Bannister, Bingham, Cole, Daning, Delleney, Forrester, Funderburk, Goldfinch, Harrell, Henderson, Herbkersman, Lucas, W.J. McLeod, Norrell, Pitts, Pope, Riley, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.R. Smith, Taylor, Thayer, Weeks and White

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Introduced in the House on April 2, 2014

Currently residing in the House Committee on **Ways and Means**

Summary: Property tax

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/2/2014 House Introduced and read first time ([House Journal‑page 110](file:///H:\HJ%20Archive\2014\04-02-14.docx))

4/2/2014 House Referred to Committee on **Ways and Means** ([House Journal‑page 110](file:///H:\HJ%20Archive\2014\04-02-14.docx))

**VERSIONS OF THIS BILL**

[4/2/2014](file:///p:\pprever\2013-14\5035_20140402.docx)

**A** **BILL**

TO AMEND SECTION 12‑43‑220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSES OF PROPERTY AND ASSESSMENT INTEREST APPLICABLE TO THESE CLASSES FOR PURPOSES OF THE IMPOSITION OF PROPERTY TAX, SO AS TO PROVIDE THAT AFTER A PARCEL OF REAL PROPERTY HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST DELINQUENT PROPERTY TAX AND PENALTIES ASSESSED BECAUSE THE PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER‑OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE AND TO GIVE THIS PROVISION BOTH PROSPECTIVE AND RETROACTIVE EFFECT.

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

SECTION 1. Section 12‑43‑220(c)(2)(vii) of the 1976 Code is amended to read:

“(vii)(A) If a person signs the certification, obtains the four percent assessment ratio, and is thereafter found not eligible, or thereafter loses eligibility and fails to notify the assessor within six months, a penalty is imposed equal to one hundred percent of the tax paid, plus interest on that amount at the rate of one‑half of one percent a month, but in no case less than thirty dollars nor more than the current year’s taxes. This penalty and any interest are considered ad valorem taxes due on the property for purposes of collection and enforcement.

(B) If property has undergone an assessable transfer of interest as provided pursuant to Section 12‑37‑3150 and the transferee is a bona fide purchaser for value without notice, penalties assessed pursuant to subsubitem (A) and the additional property taxes and late payment penalties are solely the personal liability of the transferor and do not constitute a lien on and are not enforceable against the property in the hands of the transferee.”

SECTION 2. Section 12‑43‑220(c)(2)(vii) of the 1976 Code, as amended by this act, takes effect upon approval by the Governor and applies prospectively and also retroactively to all property tax years open for the assessment of delinquent property taxes and penalties, including penalties assessed pursuant to Section 12‑43‑220(c)(2)(vii) of the 1976 Code, as of that date. No interest is due on any refunds issued pursuant to the retroactive provisions of this section.

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