**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3660**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Goldfinch

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Introduced in the House on February 12, 2015

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

Summary: Eviction of a lessor of a boat slip

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/12/2015 House Introduced and read first time ([House Journal‑page 47](file:///h:\HJ%20Archive\2015\02-12-15.docx))

2/12/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 47](file:///h:\HJ%20Archive\2015\02-12-15.docx))

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**VERSIONS OF THIS BILL**

[2/12/2015](file:///p:\pprever\2015-16\3660_20150212.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 27 SO AS TO PROVIDE FOR THE EVICTION OF A LESSOR OF A BOAT SLIP; AND TO AMEND SECTION 29‑15‑10, AS AMENDED, RELATING TO LIENS FOR REPAIRS OR STORAGE, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO BOATS DOCKED AT A MARINA.

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

SECTION 1. Title 27 of the 1976 Code is amended by adding:

“CHAPTER 38

Eviction of a Lessee of a Boat Slip

Section 27‑38‑10. (A) An owner may evict a lessor of a boat slip located in a marina for one or more of the following reasons:

(1) failure to comply with local, state, or federal laws governing the maintenance of maritime vessels after he receives written notice of noncompliance and has had a reasonable opportunity to remedy the violation;

(2) engaging in repeated conduct that interferes with the quiet enjoyment of the marina by other persons;

(3) noncompliance with a provision of the lease agreement or marina regulations and failure to remedy the violation within fourteen days after written notice by the marina owner. If the remedy requires longer than fourteen days, the owner may allow the lessee in good faith to extend the time to a specified date;

(4) not paying rent within five days of its due date;

(5) noncompliance with a law or a provision in the rental agreement or marina regulations affecting the health, safety, or welfare of other users of the marina or affecting the physical condition of the marina;

(6) wilfully and knowingly making a false or misleading statement in the rental agreement or application; or

(7) other reason sufficient under common law.

(B) Notwithstanding Section 27‑37‑100, a writ of ejectment may not issue until ten days after a verdict for the plaintiff except for eviction pursuant to subsection (A)(5).

(C) If a vessel remains in a boat slip twenty days after the lessee has been evicted, the procedure contained in Section 29‑15‑10 may be commenced to sell the vessel in a commercially reasonable sale at public auction. The owner of the vessel is not prohibited from moving the boat before the day of sale. However, he must pay any filing fee or advertising costs incurred for initiating the procedure contained in Section 29‑15‑10, and any unpaid rent or other money that the lessee owes the marina.”

SECTION 2. Section 29‑15‑10 of the 1976 Code, as last amended by Act 22 of 2011, is further amended to read:

“Section 29‑15‑10. (A) A proprietor, an owner, or an operator of any towing company, storage facility, garage, marina, or repair shop, or any person who repairs or furnishes any material for repairs to an article may sell the article at public auction to the highest bidder if:

(1) the article has been left at the shop for repairs, ~~or~~ storage, or docked in a boat slip, and the repairs have been completed, ~~or~~ the storage contract has expired, or the boat slip lease agreement has expired;

(2) the article has been continuously retained in his possession; and

(3) thirty days have passed since written notice was given to the owner of the article and to any lienholder that the repairs have been completed, ~~or~~ the storage contract has expired, or the boat slip lease agreement has expired.

The article must be sold by a magistrate of the county in which the repairs were done, ~~or~~ the article was stored, or the boat was docked.

(B) Storage costs may be charged that have accrued before the notification of the owner and lienholder, by certified or registered mail, of the location of the article. Notification to the owner and lienholder by the proprietor, owner, or operator of the towing company, storage facility, garage, marina, or repair shop must occur within five days, after receiving the owner’s and lienholders’ identities. If the notice is not mailed within this period, storage costs after the five‑day period must not be charged until the notice is mailed.

(C) Before the article is sold, the proprietor, owner, or operator of any towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs to the article must apply to the appropriate titling facility including, but not limited to, the Department of Motor Vehicles ~~or~~, the Department of Natural Resources, or the United States Coast Guard for the name and address of any owner or lienholder. For nontitled articles, where the owner’s name is known, a search must be conducted through the Secretary of State’s Office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the Secretary of State. If the article has an out‑of‑state registration, an application must be made to that state’s appropriate titling facility. When the article is not titled in this State and does not have a registration from another state, the proprietor, owner, or operator of any towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs to the article may apply to the sheriff or chief of police in the jurisdiction where the article is stored to determine the state where the article is registered. The sheriff or chief of police shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the article’s identification number. The sheriff or chief of police must supply, at no cost to the proprietor, owner, or operator of any towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs the name of the state in which the article is titled.

(D) The magistrate, before selling the article, shall ensure that the owner ~~or~~ and any lienholder of record has been notified of the pending sale. The magistrate must advertise the article for at least fifteen days by posting a notice in three public places in his township. The magistrate must pay to the proprietor, owner, or operator of any towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs to the article the money due, receiving a receipt in return. Any remainder of the sale proceeds must be held by the magistrate for the owner of the vehicle or entitled lienholder for ninety days. The magistrate must notify the owner and all lienholders by certified or registered mail, return receipt requested, that the article owner or lienholder has ninety days to claim the proceeds from the sale of the article. If the article proceeds are not collected within ninety days from the day after the notice to the owner and all lienholders is mailed, then the article proceeds must be deposited in the general fund of the county or municipality.

(E) A proprietor, an owner, or an operator of the towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs to the article may hold the license tag of any vehicle until all towing and storage costs have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold.

(F) A proprietor, an owner, or an operator of the towing company, storage facility, garage, marina, or repair shop, or any person who repairs or who furnishes material for repairs to the article must place a minimum bid of one dollar on the article being sold at public auction. If no higher bid is offered, the article must be awarded to the proprietor, owner, operator, or person who repairs or who furnishes material for repairs to the article at no cost.

(G) For purposes of this section, ‘article’ means a motor vehicle, trailer, mobile home, watercraft, or other item or object that is subject to towing, storage, docking in a boat slip, or repair and applies to any article in custody at the time of the enactment of this section. ‘Article’ includes:

(1) an item that is towed and left in the possession of a towing, storage, garage, marina, or repair facility; and

(2) personal property affixed to the article.”

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

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