**South Carolina General Assembly**

121st Session, 2015-2016

**A144, R148, H3972**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Loftis, Burns, Hamilton, Willis, Collins, Clyburn, Robinson‑Simpson, Bannister, Bedingfield, Gagnon, Henderson, Hosey, Nanney, G.R. Smith and Spires

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Introduced in the House on April 14, 2015

Introduced in the Senate on May 27, 2015

Last Amended on February 23, 2016

Passed by the General Assembly on March 2, 2016

Governor's Action: March 14, 2016, Signed

Summary: Transfer of undeveloped property

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/14/2015 House Introduced and read first time ([House Journal‑page 105](file:///h%3A%5CHJ%20Archive%5C2015%5C04-14-15.docx))

 4/14/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 105](file:///h%3A%5CHJ%20Archive%5C2015%5C04-14-15.docx))

 5/20/2015 House Committee report: Favorable **Judiciary**

 5/26/2015 House Amended ([House Journal‑page 76](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/26/2015 House Read second time ([House Journal‑page 76](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/26/2015 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 77](file:///h%3A%5CHJ%20Archive%5C2015%5C05-26-15.docx))

 5/27/2015 House Read third time and sent to Senate ([House Journal‑page 10](file:///h%3A%5CHJ%20Archive%5C2015%5C05-27-15.docx))

 5/27/2015 Scrivener's error corrected

 5/27/2015 Senate Introduced and read first time ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2015%5C05-27-15.docx))

 5/27/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2015%5C05-27-15.docx))

 2/2/2016 Senate Referred to Subcommittee: Young (ch), Corbin, M.B.Matthews

 2/17/2016 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 10](file:///h%3A%5CSJ%20Archive%5C2016%5C02-17-16.docx))

 2/18/2016 Scrivener's error corrected

 2/23/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 14](file:///h%3A%5CSJ%20Archive%5C2016%5C02-23-16.docx))

 2/23/2016 Senate Read second time ([Senate Journal‑page 14](file:///h%3A%5CSJ%20Archive%5C2016%5C02-23-16.docx))

 2/23/2016 Senate Roll call Ayes‑36 Nays‑0 ([Senate Journal‑page 14](file:///h%3A%5CSJ%20Archive%5C2016%5C02-23-16.docx))

 2/24/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 16](file:///h%3A%5CSJ%20Archive%5C2016%5C02-24-16.docx))

 3/2/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 37](file:///h%3A%5CHJ%20Archive%5C2016%5C03-02-16.docx))

 3/2/2016 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 37](file:///h%3A%5CHJ%20Archive%5C2016%5C03-02-16.docx))

 3/10/2016 Ratified R 148

 3/14/2016 Signed By Governor

 3/16/2016 Effective date 03/14/16

 3/17/2016 Act No. 144

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3972&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/14/2015](file:///p%3A%5Cpprever%5C2015-16%5C3972_20150414.docx)

[5/20/2015](file:///p%3A%5Cpprever%5C2015-16%5C3972_20150520.docx)

[5/26/2015](file:///p%3A%5Cpprever%5C2015-16%5C3972_20150526.docx)

[5/27/2015](file:///p%3A%5Cpprever%5C2015-16%5C3972_20150527.docx)

[2/17/2016](file:///p%3A%5Cpprever%5C2015-16%5C3972_20160217.docx)

[2/18/2016](file:///p%3A%5Cpprever%5C2015-16%5C3972_20160218.docx)

[2/23/2016](file:///p%3A%5Cpprever%5C2015-16%5C3972_20160223.docx)

(A144, R148, H3972)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑29‑1210 SO AS TO ESTABLISH THAT UNDEVELOPED PROPERTY MAY BE TRANSFERRED WITHOUT THE SUBMISSION OF A LAND DEVELOPMENT OR LAND USE PLAN AND THAT A LOCAL GOVERNMENT MAY REQUIRE THE GRANTEE TO FILE A PLAT AT THE TIME THE DEED IS RECORDED; AND TO AMEND SECTION 30‑5‑30, RELATING TO PREREQUISITES TO RECORDING, SO AS TO ESTABLISH THAT THE SUBMISSION OF A LAND DEVELOPMENT OR LAND USE PLAN IS NOT A PREREQUISITE TO RECORDING AND THAT A LOCAL GOVERNMENT MAY REQUIRE THE GRANTEE TO FILE A PLAT AT THE TIME THE DEED IS RECORDED.**

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

**Local planning, land development plan not required to execute a deed**

SECTION 1. Article 7, Chapter 29, Title 6 of the 1976 Code is amended by adding:

 “Section 6‑29‑1210. Under this chapter, the submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.”

**Prerequisites for recording, land development plan not a prerequisite**

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

 “Section 30‑5‑30. Except as otherwise provided by statute, before any deed or other instrument in writing can be recorded in this State, it must be acknowledged or proved by the method described in subsection (A) or (B).

 (A)(1) The execution of the deed or other instrument must be first proved by the affidavit of a subscribing witness to the instrument, taken before some officer within this State competent to administer an oath. If the affidavit is taken without the limits of this State, it may be taken before:

 (a) a commissioner appointed by dedimus issued by the clerk of the court of common pleas of the county in which the instrument is to be recorded;

 (b) a commissioner of deeds of this State;

 (c) a clerk of a court of record who shall make certificate of the deed or other instrument under his official seal;

 (d) a justice of the peace who shall append to the certificate his official seal;

 (e) a notary public who shall affix to the deed or other instrument his official seal within the state of his appointment, which is a sufficient authentication of his signature, residence, and official character;

 (f) before a minister, ambassador, consul general, consul, or vice consul, or consular agent of the United States of America; or

 (g) in the case of any officer or enlisted man of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard on active duty outside the State or any civilian employee of any such organization on active duty outside the continental confines of the United States, any commissioned officer of the Army, Air Force, Navy, Marine Corps, or Coast Guard, if the probating officer states his rank, branch, and organization.

 (2) The Uniform Recognition of Acknowledgments Act must be complied with or the person executing it shall submit an affidavit subscribed to before a person authorized to perform notarial acts herein or by the Uniform Recognition of Acknowledgments Act that the signature on the deed or other instrument is his signature and that the instrument was executed for the uses and purposes stated in the instrument.

 (B) A deed or other instrument must be signed by the grantor, mortgagor, vendor, or lessor and the signing must be acknowledged by the grantor, mortgagor, vendor, or lessor in the presence of two witnesses, taken before some officer within this State competent to administer an oath. If the acknowledgment is taken without the limits of this State, it may be taken before:

 (1) a commissioner appointed by dedimus issued by the clerk of the court of common pleas of the county in which the instrument is to be recorded;

 (2) a commissioner of deeds of this State;

 (3) a clerk of a court of record who shall make certificate of the deed or other instrument under his official seal;

 (4) a justice of the peace who shall append to the certificate his official seal;

 (5) a notary public who shall affix to the deed or other instrument his official seal within the state of his appointment, which is a sufficient authentication of his signature, residence, and official character;

 (6) before a minister, ambassador, consul general, consul, or vice consul, or consular agent of the United States of America; or

 (7) in the case of any officer or enlisted man of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard on active duty outside the State or any civilian employee of any such organization on active duty outside the continental confines of the United States, any commissioned officer of the Army, Air Force, Navy, Marine Corps, or Coast Guard, if the probating officer states his rank, branch, and organization.

 (C) Where the instrument is acknowledged by the grantor or maker, the form of acknowledgement must be in substance as follows:

‘South Carolina,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County.

I (here give the name of the official and his official title), do hereby certify that (here give the name of the grantor or maker), personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and (where an official seal is required by law) official seal this the \_ day of \_ (year).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Officer’

 (D) The submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.”

**Time effective**

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

Ratified the 10th day of March, 2016.

Approved the 14th day of March, 2016.

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