



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3337 Amended by the House of Representatives on February 22, 2018
Author: Ballentine
Subject: Filing and Recording Fees
Requestor: Senate Judiciary
RFA Analyst(s): Heineman
Impact Date: April 24, 2018 - Updated for Additional Agency Response

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	Undetermined	\$0

Fiscal Impact Summary

This bill is not expected to have an impact on local expenditures, because localities already have methods and procedures in place to accept filing and recording fees.

This bill modifies the filing and recording fees a locality is allowed to charge for filing certain documents. Revenue and Fiscal Affairs (RFA) expects local revenue to increase as a result of the fee increases in this bill, however, the exact amount of the increase in revenue cannot be estimated based on the lack of data available. Therefore, this bill will have an undetermined impact on local revenue.

This fiscal impact statement has been updated for an additional agency response from county administrators.

Explanation of Fiscal Impact

Updated for Additional Agency Response

Amended by the House of Representatives on February 22, 2018

State Expenditure

N/A

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

This fiscal impact statement has been updated for an additional agency response from county administrators.

This bill modifies the filing and recording fees collected by county Register of Deeds and Clerks of Court by creating a uniform flat fee which is based on the type of document that is being filed. This bill removes the localities ability to charge an additional one dollar per page for certain filings that contain more than four pages. In general, the bill sets document filing fees to a flat rate based on each document type, regardless of the number of total pages submitted for the particular filing. This bill will increase some document filing fees while other fees will remain the same if the current bill is enacted. For a detailed listing of fee changes see Figure 1.

The Revenue and Fiscal Affairs (RFA) Office contacted the South Carolina Association of Counties, the South Carolina Association of Clerks of Court, and Registers of Deeds regarding the local revenue impact of this bill. Both associations provided information regarding filing and recording fees counties collected; however neither association was able to provide data for all of the filing and recording types listed in this bill.

In addition, because this bill modifies the filing and recording fees a locality is allowed to charge for filing documents, RFA has contacted the forty-six county administrators regarding the revenue impact of this bill. Clarendon, Florence, Lancaster, Lexington, and Saluda counties all agreed that revenue collected from the filings and recording fee changes would result in a net increase; however none of the counties were able to provide data for all of the filing and recording types listed in the bill.

Based on the changes in fees, a locality's fee collection will see a net increase in fee revenue in instances where the fee has gone up even though there are a number of document types that will have no increase in fees. Furthermore, based on all the responses received from the Register of Deeds and Clerks of Court Association as well as the county administrators, RFA expects local revenue to increase. However, the exact amount of the increase in revenue cannot be estimated based on the lack of complete data available. Therefore, this bill will have an undetermined impact on local revenue.

Figure 1. Filings and Recordings Fees Table

Filing or Recording	Original Amount	New Fee Amount
Recording a deed to or a mortgage on real estate	\$10 and \$1 for every page over four pages	\$25
Entry of a deed or mortgage that covers both real estate and personal property in the indexes for both real and personal property conveyances or mortgages	\$11 and \$1 for every page over four pages	\$10
Recording a chattel mortgage, conditional sale contract, lease or	\$10 and \$1 for every page over four pages	\$25

contract of sale of personal property, and any other document required to be recorded under the Uniform Commercial Code		
Recording an instrument which assigns, transfers, or affects a single real estate mortgage or other instrument affecting title to real property or lien for the payment of money	\$6 and \$1 for every page over four pages	\$10
Recording any lease, contract of sale, trust indenture, or other document affecting title or possession of real property	\$10 and \$1 for every page over four pages	\$25
Recording satisfaction on the record of a mortgage of real estate or a chattel mortgage or other recorded lien	\$5	\$10
Recording separate probates, affidavits, or certificates which are not part of or attached to another document to be recorded	\$10	\$10
Recording a plat larger than eight and one-half by fourteen inches, ten dollars; for plats of "legal size" dimensions, or smaller	\$5	\$25
Recording any other paper affecting title or possession of real estate or personal property and required by law to be recorded, except judicial records	\$10 and \$1 for every page over four pages	\$25
Filing power of attorney, trustee qualification, or other appointment	\$15 and \$1 for every page over four pages	\$25
Filing first complaint or petition, including application for a remedial and prerogative writ and bond on attachment or other bond, in a civil action or proceeding, in a court of record	\$100	\$150
Filing, recording, and indexing lis pendens when not accompanied by summons and complaint	\$10	\$150
Receiving and enrolling transcripts of judgment from magistrate's courts and federal district courts	\$10	\$35
Filing and enrolling a judgment by confession	\$10	\$10
Taking and filing an order for bail with or without bond	\$1	\$10

Filing an order for bail with bond when surety must be justified	\$10	\$10
Taking and filing an bond or security costs	\$1	\$10
Taking and filing an bond or security costs with bond when surety must be justified	\$10	\$10
Filing or recording any commission of notary public or other public office, license or permit to practice any profession or trade, notice of formation or dissolution of any partnership	\$5	\$10
Filing the charter of any public or private corporation or association required by law to be recorded	\$10 and \$1 for every page over four pages	\$10
Issuing an official certificate under seal of court	\$1	\$10
Filing notice of discharge in bankruptcy	\$15	\$10
Filing and enrolling and satisfying executions or warrants for distraint for the South Carolina Department of Employment and Workforce, the South Carolina Department of Revenue, or any other state agency	\$10	\$10
Filing and enrolling and satisfying any tax lien of any agency of the United States Government	\$10	\$10
Filing and processing an order for the Destruction of Arrest Records	\$35	\$35
Filing, indexing, enrolling, and entering a foreign judgment and an affidavit	\$100	\$100
Filing a notice of meter conservation charge	\$10	\$10

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State Expenditure

N/A

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

This bill modifies the filing and recording fees collected by county Register of Deeds and Clerks of Court by creating a uniform flat fee which is based on the type of document that is being filed.

The Revenue and Fiscal Affairs (RFA) Office contacted the South Carolina Association of Counties and the South Carolina Association of Clerks of Court and Registers of Deeds regarding the local revenue impact of this bill. Both associations provided information regarding filing and recording fees counties collect; however neither association was able to provide data for all of the filing and recording types listed in this bill. At this time, the impact is pending because additional information is needed in order to determine the local revenue impact.

In addition, because this bill modifies the filing and recording fees a locality is allowed to charge for filing documents, RFA has contacted the forty-six county administrators regarding the revenue impact of this bill and their response is pending. Therefore, the revenue impact to local government is pending, contingent upon a response from county administrators.



Frank A. Rainwater, Executive Director