**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1236**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Malloy and Knotts

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Introduced in the Senate on March 2, 2010

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

Summary: Magistrates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-02-10.docx)‑12

3/2/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-02-10.docx)‑12

**VERSIONS OF THIS BILL**

[3/2/2010](file:///p:\pprever\2009-10\1236_20100302.docx)

**A** **BILL**

TO AMEND SECTION 22‑3‑10 OF THE 1976 CODE, RELATING TO THE CIVIL JURISDICTION OF MAGISTRATES, TO INCREASE THE CIVIL JURISDICTION TO TWENTY‑FIVE THOUSAND DOLLARS.

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

SECTION 1. Section 22‑3‑10 of the 1976 Code is amended to read:

“Section 22‑3‑10. Magistrates have concurrent civil jurisdiction in the following cases:

(1) in actions arising on contracts for the recovery of money only, if the sum claimed does not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(2) in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(3) in actions for a penalty, fine, or forfeiture, when the amount claimed or forfeited does not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(4) in actions commenced by attachment of property, as provided by statute, if the debt or damages claimed do not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(5) in actions upon a bond conditioned for the payment of money, not exceeding ~~seven thousand five hundred~~ twenty‑five thousand dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due, and when the payments are to be made by installments an action may be brought for each installment as it becomes due;

(6) in any action upon a surety bond taken by them, when the penalty or amount claimed does not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(7) in any action upon a judgment rendered in a court of a magistrate or an inferior court when it is not prohibited by the South Carolina Rules of Civil Procedure;

(8) to take and enter judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(9) in any action for damages or for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(10) in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27;

(11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of ~~seven thousand five hundred~~ twenty‑five thousand dollars;

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars, except that this limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land;

(13) in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars; and

(14) in actions for damages arising from a person’s failure to return leased or rented personal property within seventy‑two hours after the expiration of the lease or rental agreement, such damages to be based on the loss of revenue or replacement value of the property, whichever is less, if the damages claimed do not exceed ~~seven thousand five hundred~~ twenty‑five thousand dollars; however, the lease or rental agreement must set forth the manner in which the amount of the loss of revenue or replacement value of the item leased or rented is calculated.”

SECTION 2. This act takes effect upon approval by the Governor.

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