



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0355 Introduced on January 10, 2023
Author: Massey
Subject: Record of Sales and Resulting Changes in Duplicates by Auditor
Requestor: Senate Finance
RFA Analyst(s): Miller
Impact Date: February 22, 2024

Fiscal Impact Summary

This bill eliminates the requirement that any deed of conveyance of real property must be endorsed and recorded by the county auditor before the deed can be recorded in the office of the clerk of courts or register of deeds. The bill also eliminates the associated county auditor fee of \$0.25 for making such endorsements. The bill provides that all conveyances of real estate that were recorded by a clerk of court or register of deeds of any county that meet the statutory prerequisites for recording are valid and binding, even without the endorsement of the county auditor.

The Revenue and Fiscal Affairs Office (RFA) anticipates that this bill will have no expenditure impact on local governments. Based on discussions with a small number of responding counties, RFA anticipates that the counties can manage the provisions of the bill within existing appropriations since they already have procedures in place to record the conveyance of real property. Additionally, in practice most recording offices, if not all, currently record a deed if it complies with the applicable statutes and then provide a copy to the county auditor.

The overall impact of this bill on local government revenues is undetermined and will vary. Eliminating the county auditor fee of \$0.25 for endorsing the conveyance of real property will reduce local government revenues in counties that currently collect these fees. However, the exact amount of the decrease in revenue cannot be estimated, as the amount will vary depending upon number of endorsements made by the county auditor in each county. Additionally, most of the responding counties indicate that they do not currently collect county auditor fees for endorsing the conveyance of real property.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

N/A

State Revenue

N/A

Local Expenditure

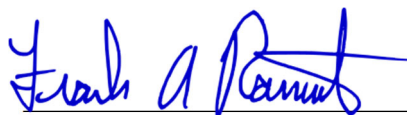
This bill eliminates the requirement that any deed of conveyance of real property must be endorsed and recorded by the county auditor before the deed can be recorded in the office of the clerk of courts or register of deeds. The bill also eliminates the associated county auditor fee of \$0.25 for making such endorsements. The bill provides that all conveyances of real estate that were recorded by a clerk of court or register of deeds of any county that meet the statutory prerequisites for recording are valid and binding, even without the endorsement of the county auditor.

RFA anticipates that this bill will have no expenditure impact on local governments. Based on discussions with a small number of responding counties, RFA anticipates that the counties can manage the provisions of the bill within existing appropriations since they already have procedures in place to record the conveyance of real property. Additionally, in practice most recording offices, if not all, currently record a deed if it complies with the applicable statutes and then provide a copy to the county auditor. This is outlined by the Attorney General's Office in the department's Opinion Letter on the validity of recording deeds by auditors, registers of deeds, and clerks of courts, dated August 10, 2017.

Local Revenue

This bill eliminates the requirement that any deed of conveyance of real property must be endorsed and recorded by the county auditor before the deed can be recorded in the office of the clerk of courts or register of deeds. The bill also eliminates the associated county auditor fee of \$0.25 for making such endorsements. The bill provides that all conveyances of real estate that were recorded by a clerk of court or register of deeds of any county that meet the statutory prerequisites for recording are valid and binding, even without the endorsement of the county auditor.

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Frank A. Rainwater, Executive Director