

Summer 1962

Recent Legislation

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South Carolina General Assembly

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Recommended Citation

Joseph J. Lipton, Recent Legislation, 14 S. C. L. Rev. 487 (1961-1962).

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RECENT LEGISLATION

Summary of Acts Passed During the 1962 Session of the General Assembly of South Carolina

JOSEPH J. LIPTON*

This summary does not purport to treat all of the many acts passed in the 1962 session of the General Assembly—only those which appear to be of special significance to the members of the South Carolina legal profession. This session of the General Assembly will perhaps be distinguished by its enactment of several pieces of novel legislation along with the adoption of a completely revised Business Corporation Act. It is anticipated that attorneys throughout the state will shortly be besieged by requests from various interested groups concerning these new laws, especially the Horizontal Property Regimes Act and the Unincorporated Professional Association Act. Therefore the writer will discuss these acts at the outset. However, no attempt will be made to give a comprehensive or exhaustive coverage. Many of the acts do not require commentary and will be mentioned by title only so as to enable the reader to determine whether or not the act will be of further interest to him.

At this juncture I would be remiss if attention of both judge and lawyer were not invited to the impending publication of the 1962 Code of Laws of South Carolina. The 1962 Code consists of twenty volumes and represents the fruition of the combined efforts of the Committee on Statutory Laws and the Code Commissioner and his staff who so diligently pursued the arduous tasks that of necessity accompany so enormous an undertaking. The format of the Code has been completely changed. Much thought and time have gone into the physical make-up of the new code and the result has produced not only an esthetically attractive tool of the profession, but a set of books that can be handled with ease.

The acts will be cited by act number and references to the Code sections are to the Code of Laws of South Carolina, 1952.

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PART I
GENERAL LEGISLATION

SECTION 1

Novel Legislation

Horizontal Property Regimes — The General Assembly exercised both wisdom and foresight when legislation was provided for the introduction of the condominium system by the establishment of "horizontal property regimes." The enactment of this legislation will alleviate the inevitable housing burden to accompany South Carolina's forward movement in the area of industrial development. In a word, the act establishes real property title to one family apartments in multifamily structures known as condominiums, and provides for the ownership, sale, mortgage, or other transfer of such title. The act, by permitting the sale and financing of condominiums, allows builders and building owners to take advantage of Section 104 of the Federal Housing Act of 1961, Public Law 87-70, 75 Stat. 149 (30 June 1961), which makes available mortgage insurance on such separate apartments. The horizontal property regime is established when the master deed, manifesting the desire of the owner or owners to submit the property to the act, is recorded with the register of mesne conveyances or the clerk of court of the county in which the property is located. A master deed shall include the following particulars: the number, area and permanent value figure of each apartment as well as the legal description of the land and building. A full copy of the building plans and a copy of the by-laws governing the administration of the regime must be attached to the master deed. Condominium units are individually conveyed and encumbered, and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos and mortis causa. An apartment owner is the sole owner of his apartment; therefore he is personally liable for the encumbrances placed thereon.¹

Professional Association — The Professional Association is the latest of the tax inspired devices to give professional persons an opportunity to obtain some of the tax advantages accorded to businessmen operating in corporate form. The act itself is a highly technical statutory instrument and one whose benefits and protections might at first glance be mis-

1. Act No. 750 of 1962.

understood and overmagnified. In substance, the act provides for the formation of an unincorporated entity possessing more corporate than partnership characteristics. Any one or more persons licensed to practice a profession pursuant to a license from a State Examining Board as provided by Title 56, Code of Laws of South Carolina, 1952, may form a professional association. The association is established by executing and recording "Articles of Association" with the clerk of court in the county of the association's principal office. The association is limited to rendering one specific kind of professional service; however, it may invest and own other properties. The association can render professional services only through licensed or legally authorized officers, agents and employees. The association shall be governed by a Board of Governors which would in turn elect the officers. The association would have continuity of life unknown to a partnership and would continue indefinitely, regardless of the death of members or any act or occurrence sufficient to dissolve a partnership, unless the association is dissolved by a two-thirds vote of its members. The association may contract in its own name, own and sell property, and may sue and be sued as an independent entity. The assets of the association are not subject to attachment for the individual debts of its members. The association is to be governed by the laws applicable to corporations and not the law of partnerships, where corporate law is not in conflict with the act itself.

Despite the act's outward appearance of tax relief, it is nevertheless well for lawyers as well as members of other professions to take a careful look before leaping into association or corporate status. In an effort to obtain equal tax treatment professional people are immediately confronted with a vital and conflicting consideration. Lawyers in particular must determine whether practice in a Professional Association can be reconciled with traditional concepts of professional ethics which may be deemed too important to sacrifice for expected tax benefits. The American Bar Association Committee on Professional Ethics, Opinion 303, expresses "grave doubt" as to "the wisdom or feasibility of lawyers adopting, as a form of organization for the practice of law, the professional association or professional corporation." The complete opinion is printed in 48 A.B.A.J. 159-162 (1962).²

2. Act No. 784 of 1962.

Emergency Relocation of Government — The General Assembly passed four companion acts³ relative to the relocation and continuity of government bodies in the event of enemy attack upon the United States and South Carolina. These acts specifically provide for the appointment of emergency interim successors to the Governor, members of the legislature and the judiciary, as well as for the governing officials of the political subdivisions of the state; and also authorize the designation of alternate places, inside or outside the territorial limits, as the emergency location of government.

SECTION II

Business Corporation — The corporation has become the foundation of our economic life and must continually be re-examined. Responsive to the ever-increasing necessity of recasting the archaic and confused mass of corporate statutes of the state the General Assembly appointed a joint committee to investigate the feasibility of overhauling the laws of the State governing corporations and bringing them into line with modern usage. As a result of the study and recommendations of the committee the General Assembly repealed Chapters 1 through 8 and Chapters 10 and 11 of Title 12 of the Code of Laws of South Carolina, 1952, and enacted an entirely new corporation law to become effective January 1, 1964. The committee's objective has been the formulation of an intelligible pattern of prevailing corporation law. The drafters of the act used as reference for comparison and study the Model Business Corporation Act Annotated, in addition to the acts of Connecticut, New York, California, North Carolina, Delaware and Ohio. No attempt will be made to analyze the scope of the act. It should be pointed out that the new law is much more complete, eliminates uncertainty and furnishes specific answers to many questions on which the old corporation law was tantalizingly silent. It is anticipated that the new corporation law will, as a result, stimulate a more stable corporate climate in South Carolina.⁴

SECTION III

Constitutional Amendments

Amendment Empowering the General Assembly to Divide The State into Forestry Districts Proposed — This proposed

3. Acts Nos. 894, 895, 896, and 897 of 1962.

4. Act No. 847 of 1962.

amendment to our Constitution would permit the General Assembly to divide the State into as many forestry districts as may appear necessary for the protection of the rich timberlands of the State.⁵

Amendment Changing the Residence Requirements for Suffrage Proposed — This proposed amendment would reduce the residence requirements for suffrage from two years to one year in the State, from one year to six months in the county, and from four months to three months in the precinct in which the elector offers to vote.⁶

Amendment Providing for the Composition of the State Board of Education Proposed — This proposed amendment will provide that the State Board of Education be composed of one member from each of the judicial circuits elected by the legislative delegations of the several counties within the circuit; presently constituted, the Board consists of the Governor, the State Superintendent of Education and the Governor's seven appointees for terms of four years.⁷

SECTION IV

Additional Statewide Acts

The following acts of statewide effect are listed by title only:

An Act To Amend Section 48-51, Code Of Laws Of South Carolina, 1952, Relating To Application For Change of Name, So As To Delete The Requirements That Such Be Made in Open Court.⁸

An Act To Amend Act 920 Of 1958, Relating To A Committee To Investigate Communist Activities, So As To Provide That The Committee Shall Develop And Execute An Educational Program To Inform The People Of This State Of The Threat Of Communism To The National Security.⁹

An Act To Amend Section 61-114.1, Code Of Laws Of South Carolina, 1952, Which Permits The Nominee Of A Member Of The South Carolina Retirement System To Receive A Monthly Allowance In Lieu Of Accumulated Contributions In

5. Act No. 990 of 1962.

6. Act No. 991 of 1962.

7. Act No. 992 of 1962.

8. Act No. 675 of 1962.

9. Act No. 676 of 1962.

Certain Cases Involving The Death Of The Member Prior To His Retirement, So As To Further Provide Therefor.¹⁰

An Act To Amend Section 19-111, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Renunciation Of Dower, So As To Delete Therefrom The Requirement Of An Official Seal And To Provide That The Absence Of A Seal In Renunciations Heretofore Or Hereafter Made Shall Not Invalidate Any Renunciation Of Right Of Dower.¹¹

An Act To Provide That No Public Office Shall Be Filled Until The Successful Candidate First Files Certain Affidavits Relating To Procurement Of Votes.¹²

An Act To Amend Section 10-2551, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Payment Of Money Due Minors, So As To Eliminate The Origin, Source Or Nature Of The Assets.¹³

An Act To Amend Section 72-183, Code Of Laws Of South Carolina, 1952, Relating To Receiving And Receipting For Certain Payments Under Workmen's Compensation Statutes, So As To Increase The Amount Which May Be Received And Receipted For.¹⁴

An Act To Amend Section 4 Of Article II Of Act No. 836 Of The Acts Of 1952, Revising Laws Relating To The Hospitalization, Detention, Guardianship, Care And Treatment Or Training Of Mentally Ill And Of Mentally Deficient Persons, So As To Provide For Seizure By A Police Officer Of Persons Believed To Be Insane Who Cannot Be Located For Examination By Designated Examiners.¹⁵

An Act To Amend Section 6 Of Article IV Of Act No. 836 Of The Acts Of 1952, Relating To The Mentally Ill, So As To Provide For Reconfinement Of Patients By Order Of Judges Of Probate.¹⁶

An Act To Provide For The Issuance Of Marriage Licenses To Certain Persons Under Certain Conditions.¹⁷

10. Act No. 680 of 1962.

11. Act No. 688 of 1962.

12. Act No. 694 of 1962.

13. Act No. 698 of 1962.

14. Act No. 699 of 1962.

15. Act No. 706 of 1962.

16. Act No. 707 of 1962.

17. Act No. 708 of 1962.

An Act To Amend Act No. 439 Of 1961, Relating To The Assessment Of Merchant's Inventories, Equipment, Furniture, And Fixtures, So That The Result In Assessment Will Be Reduced To Fourteen Per Cent Over A Period Of Three Years And Directing The Tax Commission To Fix Each Year The Values Of Inventories Of Persons Having Goods Or Wares For Sale At Retail Or At Wholesale.¹⁸

An Act To Amend Section 8-228 Of The 1952 Code, Relating To Limitations On Loans To Directors And Officers, So As To Except From The Provisions Thereof Soy Beans Stored In Warehouses And Evidenced By Receipts Issued Therefor.¹⁹

An Act To Require The Presence At Jails And Similar Places Of Incarceration Of A Person Charged With The Custody Thereof, And To Provide A Penalty For Violation.²⁰

An Act To Prohibit Bribes Or Acceptance Of Bribes Concerning Athletic Contests And To Provide Penalties For Violations Thereof.²¹

An Act To Amend Section 46-35, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Registration And Licensing Of Certain Motor Vehicles, So As To Provide That No Registration Or Licensing Shall Be Required For Certain Motor Vehicles Which Are Being Towed.²²

An Act Prohibiting Certain Agreements Between Carriers Or Shippers And Labor Organizations, Certain Payments By Carriers Or Shippers, And The Receipt Of Such Payments For Violations.²³

An Act To Amend Act No. 436 Of The Acts Of 1961, Relating To The Requirement Of Building Permits In Counties Containing A Municipality With A Population Of Over Ninety-Seven Thousand Inhabitants According To The Latest United States Census, So As To Make It Unlawful For An Electric Utility Company Or Rural Electric Cooperative To Furnish Service To A Building Or Facility For Which A Permit Has Not Been Obtained, And To Require Notification To The County Auditor Of Each Such Extension Of Service.²⁴

18. Act No. 709 of 1962.

19. Act No. 724 of 1962.

20. Act No. 740 of 1962.

21. Act No. 741 of 1962.

22. Act No. 745 of 1962.

23. Act No. 747 of 1962.

24. Act No. 752 of 1962.

An Act To Amend Section 8-4, Code Of Laws Of South Carolina, 1952, Relating To Fees Authorized In Lieu Of Interst, So As To Authorize Fees In Lieu Of Add-On Charges; To Further Provide For Such Fees; To Amend Section 8-233, Code Of Laws Of South Carolina, 1952, Relating To Interest Rates On Installment Loans, So As To Increase The Amounts That May Be Loaned And To Further Provide For The Period For Which Such Loans May Be Made; And To Repeal Section 8-232, Code Of Laws Of South Carolina, 1952, Relating To The Interest Which Certain Industrial Banks May Charge.²⁵

An Act To Amend Section 15-261, Code Of Laws Of South Carolina, 1952, Which Divides The State Into Fourteen Judicial Circuits So As To Create The Fifteenth Judicial Circuit.²⁶

An Act To Provide For Representation On Boards And Commissions When New Judicial Circuits Are Created.²⁷

An Act To Amend Item (11), As Amended, Of Section 65-259 Of The 1952 Code, As Amended, Relating To Deductions Allowed In Computing Net Income So As To Define The Value Of Certain Contributions Or Gifts. ²⁸

An Act To Prohibit A Tenant From Abandoning And Leaving A Building Open And Exposed To Vandalism Without Notice, And To Provide Penalties For Violations.²⁹

An Act To Create The South Carolina State Board Of Examiners For Registered Sanitarians; To Provide For Its Membership, Powers And Duties; To Provide For And Require The Licensing Of Persons Engaged In The Field Of Environmental Sanitation; And To Provide Penalties For Violations.³⁰

An Act To Amend Section 71-114, Of The 1952 Code, As Amended, Relating To The Exemption Of Certain Earned Income Of Blind Persons In Establishing Eligibility For Public Assistance, So As To Increase Such Exemption.³¹

An Act To Amend Section 8-224 Of The 1952 Code Relating To The Nonapplicability Of Restrictions On Loans Made By Certain Institutions And The Extension Of Loan Maturity, So

25. Act No. 762 of 1962.

26. Act No. 763 of 1962.

27. Act No. 764 of 1962.

28. Act No. 770 of 1962.

29. Act No. 781 of 1962.

30. Act No. 785 of 1962.

31. Act No. 787 of 1962.

As To Provide That Loans Made To Persons For Purposes Of Obtaining Higher Educations Shall Not Be Subject To Limitations Imposed By Sections 8-221 To 8-223 Of The 1952 Code, To Authorize Minors To Enter Into Contracts For Such Loans And To Provide That Lending Agencies May Proceed In Civil Actions Against Minors Who Obtained Loans For Higher Education.³²

An Act To Provide For A South Carolina Police Officers Retirement System.³³

An Act To Amend The Code Of Laws Of South Carolina, 1952, As Amended, By Adding New Section 10-209.1, So As To Include In Recoverable Damages Reasonable Funeral Expenses.³⁴

An Act To Amend Section 19-438, Code Of Laws Of South Carolina, 1952, Relating To The Bond Of An Administrator With Will Annexed, So As To Eliminate An Inconsistency.³⁵

An Act To Provide For Service Upon Trustees Of An Inter Vivos Trust, And To Provide A Penalty.³⁶

An Act To Amend Sections 56-1157, 56-1160 And 56-1161, Code Of Laws Of South Carolina, 1952, Relating To Loans By Pawnbrokers, So As To Further Provide For The Charges Which May Be Collected By Pawnbrokers And To Further Provide For The Forfeiture Of Property Pledged To Secure Such Loans.³⁷

An Act To Exempt Purchasers Of Motor Vehicles And Persons Applying For License Plates Of South Carolina, Whose Motor Vehicles Are Registered In Other State And Who Desire License Plates Of This State, And Those Acquiring Vehicles For Registration In This State, From Purchasing License Plates Of The Current Year After New Plates Go On Sale.³⁸

An Act To Amend Act No. 163 Of 1961, Providing For Testamentary Additions To Trust, So As To Insert A Material Omission.³⁹

32. Act No. 789 of 1962.

33. Act No. 799 of 1962.

34. Act No. 801 of 1962.

35. Act No. 809 of 1962.

36. Act No. 810 of 1962.

37. Act No. 813 of 1962.

38. Act No. 814 of 1962.

39. Act No. 816 of 1962.

An Act To Provide That Personal Property In Transit In Interstate Commerce Acquire No Situs For Purposes Of Property Taxation; To Provide That Proper Records Be Maintained; To Fix The Duties Of Certain Officers; And To Provide Penalties For Violations.⁴⁰

An Act To Amend Section 1 Of Act 701 Of 1956, As Amended, Relating To The Requirement Of A Certificate As To Payment Of County And Municipal Taxes To Be Included With Applications For License Of Motor Vehicles So As To Provide That Additional Information Be Included In The Certificate.⁴¹

An Act To Provide For An Optional Method Of Filing Income Tax Returns If Adjusted Gross Income Is Less Than Five Thousand Dollars.⁴²

An Act To Provide For The Payment Of Interest On Taxes, Penalties Or Interest Recovered Through Litigation.⁴³

An Act To Amend Subsection (3) Of Section 65-226, Code Of Laws Of South Carolina, Relating To Organizations That Are Exempt From Income Taxation, So As To Exempt From The Income Tax Trusts Organized For Religious, Charitable, Scientific, Or Educational Purposes.⁴⁴

An Act To Amend Item (11) Of Section 65-259, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Income Tax Deductions, So As To Allow Fiduciaries The Same Contribution Deduction As Is Now Allowed Individuals.⁴⁵

An Act To Amend Subsection K Of Section 12 Of Part II Of Act 140 Of 1959, Relating To Method Of Payment Of Income Tax, So As To Prohibit Individuals Or Fiduciaries From Making Installment Payments After Due Date.⁴⁶

An Act To Amend Section 65-223, Code Of Laws Of South Carolina, 1952, Relating To Income Taxation, So As To Tax Fiduciaries At The Same Rate As Individuals.⁴⁷

An Act To Amend Section 7, Part 2, Of Act No. 813 Of The Acts Of 1956, Relating To Income Taxes, So As To Include In-

40. Act No. 819 of 1962.

41. Act No. 820 of 1962.

42. Act No. 821 of 1962.

43. Act No. 822 of 1962.

44. Act No. 823 of 1962.

45. Act No. 824 of 1962.

46. Act No. 825 of 1962.

47. Act No. 826 of 1962.

come Received Through A Nonresident Fiduciary In Computing The Credits Allowable To Residents Of South Carolina.⁴⁸

An Act To Create The South Carolina Nuclear Energy And Space Commission And To Provide Funds Therefor; To Authorize The Issuance Of Bonds Under Certain Conditions; And To Repeal Act 707 Of 1960, Appointing A Committee To Study The Peaceful Use Of Atomic Energy.⁴⁹

An Act To Amend Section 68-22, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Exemptions From The South Carolina Unemployment Compensation Law, So As To Provide An Exemption For Real Estate Salesmen Or Agents.⁵⁰

An Act To Amend Section 64-2, Code Of Laws Of South Carolina, 1952, Relating To Working On Sunday So As To Further Provide For Sunday Work; To Permit Certain Sales And Activities; To Prohibit Certain Sales And Activities, And To Provide For Penalties And Other Remedies For Violations.⁵¹

An Act To Provide For The Liquidation, Rehabilitation, Reorganization And Conservation Of Insurance Companies.⁵²

An Act To Provide That Any Area Owned Entirely By An Established Church Or Religious Group May Be Annexed To A Municipality Under Certain Conditions.⁵³

An Act To Provide For Deposits Required Of Insurance Companies Transacting Business In This State.⁵⁴

An Act To Provide That The Neglect Of A Child Or Helpless Person By The Legal Custodian Thereof Shall Be Unlawful And To Provide Penalties For Violations.⁵⁵

An Act To Amend Section 20-303, Code Of Laws Of South Carolina, 1952, Relating To The Obligation Of A Man To Support His Wife And Minor Unmarried Children, So As To Provide That A Man Shall Support His Minor Unmarried Children, Both Legitimate And Illegitimate, And To Repeal Sections 20-305 Through 20-309, Code Of Laws Of South

48. Act No. 827 of 1962.

49. Act No. 838 of 1962.

50. Act No. 849 of 1962.

51. Act No. 850 of 1962.

52. Act No. 852 of 1962.

53. Act No. 853 of 1962.

54. Act No. 857 of 1962.

55. Act No. 862 of 1962.

Carolina, 1952, Relating To The Support Of Bastard Children.⁵⁶

An Act To Prescribe The Procedure For The Taking Of Guilty Pleas And Sentencing In Cases where The Punishment Is By Law Affected By The Jury Recommending Mercy.⁵⁷

An Act To Add Section 20-122 To The Code Of Laws Of South Carolina, 1952, So As To Provide That Reports Of Divorces And Annulments Shall Be Filed With The Bureau Of Vital Statistics Of The State Board Of Health.⁵⁸

An Act To Amend Section 57-308, Code Of Laws Of South Carolina, 1952, Relating To The Recording Of Agreements Between Vendors Or Bailors And Vendees Or Bailees Wherein The Vendor Or Bailor Reserves An Interest In The Subject Property, So As To provide For Priority Of Recorded Mortgages On The Subject Property.⁵⁹

An Act To Amend Act 654 Of 1956, Relating To A Tax On Certain Motor Vehicles Using The Public Highways Of This State, So As To Provide An Additional Fee On Such Vehicles Not Licensed In This State; To Provide For The Distribution Of Such Fee; To Provide Penalties For Violations; And To Amend Sections 58-1438 And 58-1439 Of The 1952 Code, As Amended, Relating To The License Fees Required Of Motor Vehicle Carriers To Obtain Class D, E And F Certificates, So As To Reduce Such License Fees.⁶⁰

An Act To Amend Section 65-1458, Of The 1952 Code, Relating To The Sales And Use Tax, So As To Provide For Criminal Prosecution And Penalties In Case Of Fraud; To Amend The 1952 Code By Adding A New Section To Article 5, Chapter 15, Of Title 65, So As To Provide For Procedures When A Taxpayer Refuses To File A Return As Required By That Chapter; And To Repeal Section 65-1432.1 Of The 1952 Code, Relating To Procedure When A Taxpayer Refuses To File Or Files A Fraudulent Correction Return.⁶¹

An Act To Amend Subsection 42 Of Section 15 Of Part II Of Act 813 Of 1956, Relating To Alcoholic Beverage Taxes And The Posting Of A Bond, So As To Eliminate The Affixing Of

56. Act No. 863 of 1962.

57. Act No. 864 of 1962.

58. Act No. 866 of 1962.

59. Act No. 867 of 1962.

60. Act No. 869 of 1962.

61. Act No. 870 of 1962.

Stamps To Each Standard Case Of Alcoholic Liquors By The Wholesaler; To Change The Amount Of The Bond; To Authorize The Tax Commission To Contract With Licensed Wholesale Liquor Dealers To Obtain Alcoholic Beverage Stamps On Consignment; And To Repeal Section 65-1287, Code Of Laws Of South Carolina, 1952, Relating To The Preparation Of Tax Stamps.⁶²

An Act To Amend Section 65-702, Code Of Laws, 1952, As Amended, Relating To Tax On Tobacco Products So As To Decrease The Tax On The Sale Of All Tobacco Products Except Cigarettes.⁶³

An Act To Amend Sections 5-662 And 5-664 Of The 1952 Code, As Amended, And Sections 5-666, 5-670 And 5-674 Of The 1952 Code, Relating To Licenses For Coin-Operated Devices And Billiard Tables, So As To Change The Due Date On Coin-Operated Devices' Licenses To Require The Manufacturer's Serial Number On Machines Or Billiard Tables Before The Issuance Of Licenses And To Provide For The Confiscation Of Improperly Licensed Apparatus.⁶⁴

An Act Making It Unlawful To Attempt Or Commit Robbery Upon Operators Of Certain Motor Vehicles, And Providing Penalties For Violations.⁶⁵

An Act Providing For The Licensing Of Certain Mobile Homes And House Trailers Used As Dwellings, And Providing Penalties For Violations.⁶⁶

An Act To Provide A Procedure For Abandoning Or Closing Streets, Roads Or Highways.⁶⁷

An Act To Allow Clerks Of Court To Issue Consent Orders Of Dismissal In Certain Civil Actions.⁶⁸

62. Act No. 871 of 1962.

63. Act No. 872 of 1962.

64. Act No. 873 of 1962.

65. Act No. 880 of 1962.

66. Act No. 881 of 1962.

67. Act No. 884 of 1962.

68. Act No. 893 of 1962.

PART II
LOCAL LEGISLATION

The following acts of local effect are listed by counties in alphabetical order:

Abbeville

An Act To Authorize The Abbeville Water Authority To Pay A Portion Of The Amount Required For Extending A Water Line From The Corporate Limits Of The City Of Abbeville Into The Unincorporated Territory Of The County, And To Provide Funds Therefor.⁶⁹

Aiken

An Act To Regulate The Construction, Alteration And Servicing Of Septic Tanks And Sewerage Systems In Aiken County And To Provide A Penalty For Violations.⁷⁰

Anderson

An Act To Amend Item 1 Of Section 15-279, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Terms Of Court In The Tenth Judicial Circuit, So As To Provide That Each Term Of Court In Anderson County Shall Be For Two Weeks.⁷¹

An Act To Amend Section 14-852, Code Of Laws Of South Carolina, 1952, Relating To Districts From Which The Anderson County Board Of Commissioners Derives Its Membership, So As To Further Provide Therefor.⁷²

An Act To Divide School District No. 1 Of Anderson County Into Seven Areas And To Provide For The Election Of A Board Of Trustees For The District.⁷³

Beaufort

An Act To Amend Section 14-1007, Code Of Laws Of South Carolina, 1952, Relating To Compensation Of Employees Of Beaufort County, So As To Further Provide For The Compensation Of County Officers And Employees Of Beaufort County, And To Amend Title 14, Code Of Laws Of South Caro-

69. Act No. 1019 of 1962.

70. Act No. 945 of 1962.

71. Act No. 700 of 1962.

72. Act No. 920 of 1962.

73. Act No. 921 of 1962.

lina, 1952, By Adding New Sections Setting Forth The Method Of Compensating County Officers And Employess, And Establishing A System Of Accounting Of Fees Other Charges In The Nature Of Fees Required By Law To Be Collected By Officers And Employees Of Beaufort County.⁷⁴

An Act Providing For Rural Fire Control In Beaufort County And To Provide For The Financing Thereof.⁷⁵

An Act Making It Unlawful To Net, Trap, Harpoon, Lasso Or Molest Genus Delphinus Or Genus Tursiops In The Waters Of Beaufort County, And To Provide Penalties For Violations.⁷⁶

An Act To Transfer From The Sheriff Of Beaufort County To The Treasurer Of Beaufort County The Powers And Duties Relating To The Collection Of Delinquent Taxes.⁷⁷

A Joint Resolution To Determine The Wishes Of The Electors Of Beaufort County Concerning The Combining Of The Offices Of Auditor And Treasurer, How The Offices Shall Be Filled, And The Abolition Of The Fee System.⁷⁸

Calhoun

An Act To Amend Section 27-74, Code Of Laws Of South Carolina, 1952, Relating To Fees To Be charged By The Clerk Of Court For Calhoun County, So As To Further Provide For Such Fees.⁷⁹

Charleston

An Act To Amend Act 766 Of 1958 Relating To Fees And Commissions Charged By The Clerk Of The Circuit Court Of Charleston County So As To Provide That No Charge Shall Be Made For Recording And Furnishing Certificates Of Military Discharge.⁸⁰

An Act To Increase The Number Of Petit Jurors In Charleston County.⁸¹

An Act To Establish A County Court For Charleston County If The Election Provided Herein Results Favorably Thereto.⁸²

74. Act No. 835 of 1962.

75. Act No. 925 of 1962.

76. Act No. 928 of 1962.

77. Act No. 987 of 1962.

78. Act No. 1037 of 1962.

79. Act No. 808 of 1962.

80. Act No. 737 of 1962.

81. Act No. 773 of 1962.

82. Act No. 776 of 1962.

An Act To Establish The Municipal Court Of The City Of Charleston In Charleston County; To Amend Section 15-955, Code Of Laws Of South Carolina, 1952, Relating To The Jury Box In Certain Cities, So As To Delete The City Of Charleston From The Provisions Thereof And To Repeal Sections 15-1551 Through 15-1580, Code Of Laws Of South Carolina, 1952, Relating To The Recorder And The Recorder's Court In The City Of Charleston.⁸³

Darlington

An Act To Amend 15-266, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Terms Of Court In The Fourth Judicial Circuit, So As To Abolish The July Term Of Court Of Common Pleas In Darlington County.⁸⁴

An Act To Set The Terms Of Magistrates In Darlington County.⁸⁵

An Act To Provide For The Issuance Of Construction Permits In Darlington County; To Prohibit Electric Companies From Making Electrical Connections To A Building Constructed Without A Permit; To Provide A Penalty For Violation; And To Repeal Act 340 Of 1957, Requiring The Filing With The County Auditor Of Information Concerning New Construction In Darlington County.⁸⁶

An Act To Amend Section 15-266, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In The Fourth Judicial Circuit, So As To Change The Terms Of Court In Darlington County.⁸⁷

Dorchester

An Act To Increase The Number Of Petit Jurors In Dorchester County.⁸⁸

An Act To Amend Sections 38-60 And 38-72, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Supplying Deficiencies In The Number Of Petit Jurors, So As To Dispense With The Tales Box In Dorchester County.⁸⁹

83. Act No. 966 of 1962.

84. Act No. 861 of 1962.

85. Act No. 901 of 1962.

86. Act No. 942 of 1962.

87. Act No. 964 of 1962.

88. Act No. 726 of 1962.

89. Act No. 727 of 1962.

Fairfield

An Act To Amend Section 65-1553, Code Of Laws Of South Carolina, 1952, Relating To Tax Exemptions For Certain Manufacturing Enterprises In Fairfield County, So As To Provide Such Exemptions For Warehouse, Storage, Or Distribution Facilities For Clothing.⁹⁰

Florence

An Act To Exempt Property Of The Brotherhood Of Locomotive Engineers In The City Of Florence In Florence County From Municipal And County Taxes.⁹¹

An Act To Amend Section 15-1613, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Terms Of Civil Court For Florence County, So As To Further Provide Therefor.⁹²

An Act To Amend Section 15-282, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In The Twelfth Circuit, So As To Further Provide For The Terms In Florence And Marion Counties.⁹³

Georgetown

An Act To Amend Section 43-781, Code Of Laws Of South Carolina, 1952, Relating To The Number Of Magistrates In Georgetown County, So As To Make Further Provisions Therefor.⁹⁴

An Act To Amend Section 23-175, Code Of Laws Of South Carolina, 1952, As Amended, Which Provides Voting Precincts In Georgetown County, So As To Change And Redefine The Voting Precincts.⁹⁵

Greenville

An Act To Amend Section 43-802, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Jurisdiction Of Magistrates In Greenville County, So As To Establish The Jurisdiction For The Magistrate In Gantt Township.⁹⁶

90. Act No. 678 of 1962.

91. Act No. 684 of 1962.

92. Act No. 840 of 1962.

93. Act No. 902 of 1962.

94. Act No. 917 of 1962.

95. Act No. 972 of 1962.

96. Act No. 734 of 1962.

An Act To Create The Greenville County Commission For Technical Education And To Define Its Functions.⁹⁷

Greenwood

An Act To Amend Sections 38060 And 38-72, Code Of Laws Of South Carolina, 1952, Amended, Relating To Supplying Deficiencies In The Number Of Grand And Petit Jurors, So As To Dispense With The Tales Box In Greenwood County And To Provide That Deficiencies Shall Be Supplied From The Jury List.⁹⁸

An Act To Provide That Chapter 4 Of Title 35, Code Of Laws Of South Carolina, 1952, Relating To Tourist Camps And Road Houses, Shall Not Be Applicable To Greenwood County.⁹⁹

Horry

An Act To Provide For The Appointment Of A Deputy Clerk Of Court In Horry County Whose Duty Shall Be To Process Passport Applications.¹⁰⁰

An Act To Amend Section 2 Of Act No. 99 Of The Acts Of 1953, As Amended, Relating To The Criminal Jurisdiction Of The Civil And Criminal Court Of Horry County, So As To Make Further Provision Therefor.¹⁰¹

Jasper

An Act To Amend Act No. 179 Of 1961 Relating To Magistrates' Juries In Jasper County So As To Increase The Number Of Jurors To Be Drawn.¹⁰²

Kershaw

An Act To Amend Act No. 829 Of 1960 Relating To Terms Of Magistrates In Kershaw County, So As To Provide That Terms Of Magistrates Shall Expire On December 31, 1964 And Each Four Years Thereafter.¹⁰³

Lancaster

An Act To Authorize The Clerk Of Court Of Lancaster County To Remove From His Office All Records Pertaining

97. Act No. 743 of 1962.

98. Act No. 759 of 1962.

99. Act No. 772 of 1962.

100. Act No. 753 of 1962.

101. Act No. 843 of 1962.

102. Act No. 693 of 1962.

103. Act No. 938 of 1962.

To Chattel Mortgages And All Tax Receipt Books That Are Eight Years Old Or Older.¹⁰⁴

Laurens

An Act To Create The Laurens County Airport Commission And To Define Its Powers And Duties.¹⁰⁵

An Act To Provide For The Waiver Of Prepayment Costs Of The Service Of Process And Court Costs In Actions Brought In Behalf Of Any Agent Of Laurens County, Including The Laurens And Clinton Hospital Districts.¹⁰⁶

An Act To Increase The Civil Jurisdiction Of Magistrates In Laurens County To Two Hundred Dollars.¹⁰⁷

Lee

An Act To Amend Act No. 364 Of 1957, Relating To Fees For Jurors In Magistrates' Courts In Lee County, So As To Increase Such Fees.¹⁰⁸

An Act To Increase The Compensation Of Circuit Court Jurors In Lee County.¹⁰⁹

An Act To Provide That The Terms Of Magistrates In Lee County First Appointed After The Effective Date Of This Act Shall Expire On December 31, 1966.¹¹⁰

Marion

An Act To Amend Section 15-382, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In The Twelfth Circuit, So As To Further Provide For The Terms In Florence And Marion Counties.¹¹¹

Newberry

An Act To Increase The Civil Jurisdiction Of The Magistrate Of Magisterial District No. 2 In Newberry County.¹¹²

Orangeburg

An Act To Amend Section 27-422, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Magistrates' Fees

104. Act No. 950 of 1962.

105. Act No. 696 of 1962.

106. Act No. 756 of 1962.

107. Act No. 948 of 1962.

108. Act No. 908 of 1962.

109. Act No. 909 of 1962.

110. Act No. 927 of 1962.

111. Act No. 902 of 1962.

112. Act No. 918 of 1962.

In Cases Of Bad Checks, So As To Provide An Additional Fee For Magistrates, Constables Or Sheriff In Orangeburg County.¹¹³

An Act To Amend Section 27-92, Code Of Laws Of South Carolina, 1952, Relating To The Fee Schedule Of The Clerk Of Court Of Common Pleas And General Sessions For Orangeburg County, So As To Make Further Provisions Therefor.¹¹⁴

An Act To Provide For Fees Charged By The Office Of The Probate Judge For Orangeburg County.¹¹⁵

Pickens

An Act To Provide That The Provisions Of Act No. 833 Of 1956, As Amended, Relating To The Regulation And Licensing Of Real Estate Brokers And Others Shall Apply To Pickens County.¹¹⁶

An Act To Amend Section 27-93, Code Of Laws Of South Carolina, 1952, Relating To Clerk Of Court Fees For Pickens County, So As To Further Provide Therefor.¹¹⁷

Richland

An Act To Provide That The Bailiff Or Clerk Of Any Court In Richland County May Serve A Summons For Jury Duty By Registered Or Certified Mail With Return Receipt Requested.¹¹⁸

An Act To Confer Concurrent Jurisdiction Upon The City Of Columbia With The Sheriff Of Richland County As To Law Enforcement On Property Owned By The County Or Its Subdivisions Located In The City Of Columbia.¹¹⁹

An Act To Create The Check Clearing House In Richland County; To Amend Sections 43-976 And 27-422, As Amended, And 43-981, Code Of Laws Of South Carolina, 1952, Relating To Magistrates And Constables In Richland County, So As To Provide That The Magistrate Who Is The Director Of The Check Clearing House Shall Have Concurrent Jurisdiction With All Other Magistrates In Fraudulent And Bad Check

113. Act No. 723 of 1962.

114. Act No. 805 of 1962.

115. Act No. 952 of 1962.

116. Act No. 930 of 1962.

117. Act No. 951 of 1962.

118. Act No. 913 of 1962.

119. Act No. 933 of 1962.

Cases; To Further Provide For Fees In Such Cases; And To Further Provide For Constables.¹²⁰

Spartanburg

An Act To Provide That No Chattel Mortgage Or Copy Thereof Shall Be Accepted For Recording In Spartanburg County Unless The Mortgage Or Copy Be So Clear And Legible As To Be Acceptable For Microfilm Records.¹²¹

An Act Providing For A Schedule To Be Used By The Auditor Of Spartanburg County For The Purpose Of Levying Taxes On House Trailers.¹²²

An Act To Amend Act No. 350 Of The Acts Of 1955, Relating To The Civil Courts For The City Of Spartanburg And Territory Adjacent Thereto, So As To Increase The Civil Jurisdiction Of Such Courts From Three Hundred Dollars To Seven Hundred Fifty Dollars.¹²³

An Act To Amend Section 15-804, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Spartanburg County Court, So As To Increase Its Jurisdiction.¹²⁴

Sumter

An Act To Amend Section 65-1783, Code Of Laws Of South Carolina, 1952, Relating To Examination By The County Auditor Of Plats Filed For Record In Sumter County, So As To Provide That A Copy Of Such Plats Be Filed With The Auditor.¹²⁵

An Act To Increase The Terms Of Office Of Magistrates In Sumter County.¹²⁶

An Act To Provide Judge Of Probate Fees For Sumter County And To Repeal Act No. 725 Of 1954.¹²⁷

Union

An Act To Create The Union County Playground And Recreation Commission.¹²⁸

120. Act No. 953 of 1962.

121. Act No. 712 of 1962.

122. Act No. 720 of 1962.

123. Act No. 876 of 1962.

124. Act No. 877 of 1962.

125. Act No. 697 of 1962.

126. Act No. 711 of 1962.

127. Act No. 968 of 1962.

128. Act No. 704 of 1962.

An Act To Amend Section 14-3461, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Election And Terms Of The Township Commissioners In Union County, So As To Provide For The Filling Of Vacancies Of The Commissioners.¹²⁹

An Act To Amend Article 43, Chapter 5, Code Of Laws Of South Carolina, 1952, Relating To The Nomination Of Magistrates Of The Magisterial Districts In Union County, So As To Add Thereto A New Section Which Shall Be Section 43-1062 Which shall Provide For The Nomination Of Magistrates In The Primary Of Each Election Year.¹³⁰

Williamsburg

An Act To Amend Section 15-264, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In The Third Circuit So As To Change Certain Times For Holding Of Court In Lee And Williamsburg Counties.¹³¹

York

An Act To Exempt From Taxation Property Owned By Union Local No. 1386, Textile Workers Union Of America, AFL-CIO, In York County.¹³²

An Act To Amend Act 875 Of The Acts Of 1960, Relating To The York County Juvenile And Domestic Relations Court, So As To Change The Method Of Compensation Of The Solicitor And The Clerk Of Court; To Increase The Panel Of Petit Jurors From Twenty To Twenty-six; And To Reduce The Original Jurisdiction Concerning The Welfare Of Any Male Child Of Age Eighteen To Age Sixteen.¹³³

An Act To Abolish The Office Of Superintendent Of Education In York County And To Create The Office Of Administrative Secretary To The York County Board Of Education.¹³⁴

An Act To Amend Section 15-274, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In The Sixth Judicial Circuit, So As To Make Further Provision Therefor In York County.¹³⁵

129. Act No. 705 of 1962.

130. Act No. 859 of 1962.

131. Act No. 910 of 1962.

132. Act No. 701 of 1962.

133. Act No. 751 of 1962.

134. Act No. 774 of 1962.

135. Act No. 851 of 1962.

An Act To Amend Act 875 Of 1960, As Amended, Relating To The Criminal, Juvenile And Domestic Relations Court Within York County, So As To Provide For The Appointment Of An Assistant Judge Or Assistant Solicitor In The Event Of A Temporary Absence Of Short Duration Of The Judge Or Solicitor Of The Court, And To Provide That The Court Shall Have Concurrent Jurisdiction With The Circuit Court In Matters Relating To Annulment.¹³⁶

136. Act No. 949 of 1962.