

1981 WL 158122 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 2, 1981

\*1 John Patrick  
Assistant Director  
S.C. Court Administration  
P.O. Box 11788  
Columbia, S.C. 29211

Dear John:

In a letter to this office you indicated that in a previous opinion of this office dated June 19, 1980 it was determined that pursuant to Section 8-21-310(11)(a), a fifteen dollar fee should be charged for filing an arbitration case. However, as indicated in your letter, Section 56-11-520(c), Code of Laws of South Carolina, 1976, expressly provides as to arbitration of property damage liability claims that:

‘(t)he claimant who is the moving party in seeking arbitration shall pay to the clerk of court a fee of ten dollars, of which the amount of five dollars shall be retained by the clerk as the cost of filing the claim and final judgment, and five dollars shall be used to pay the cost of service on the other party or parties.’

It does not appear that the previously referenced fifteen dollar fee provided generally by Section 8-21-310(11)(a) is applicable to the referenced arbitration matter inasmuch as Section 8-21-310 states in its opening paragraph that:

‘. . . except as otherwise expressly provided . . .’ such fees and costs delineated by Section 8-21-310 control. Therefore, in the opinion of this office, the provisions of Section 56-11-520, *supra*, should be considered to provide the filing fee for the referenced arbitration cases. The filing fees provided by Section 8-21-310, *supra*, would be inapplicable to arbitration of property damage liability claims.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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