



ALAN WILSON
ATTORNEY GENERAL

August 16, 2011

The Honorable J. Roland Smith
Member, House of Representatives
519-B Blatt Building
Columbia, SC 29211

Dear Representative Smith:

We received your letter on behalf of a constituent in Aiken County asking: (1) whether a person must pursue a cause of action in a specific magistrate court within that person's district or can the person elect to file in another district, and (2) does a magistrate court have jurisdiction to hear cases for violations of the Fair Credit Reporting Act, Fair Debt Collections Practices Act and Defamation of Character?

In answer to your first question, we note that a magistrate's jurisdiction is limited to the county in which he or she may exercise authority. A magistrate's jurisdiction, however, is county-wide. State ex rel. McLeod v. Crowe, 272 S.C. 41, 249 S.E.2d 772 (1978). Thus, while magistrates have territorial assignments or districts, their jurisdiction is limited only by the bounds of the county lines. State v. Black, 319 S.C. 515, 462 S.E.2d 311 (Ct App. 1995). This county-wide jurisdiction extends to both criminal and civil cases. Id.; see Op. S.C. Atty. Gen., July 12, 1966 [stating that all the magistrates in Aiken County have county-wide jurisdiction].¹

Additionally, S.C. Code Ann. §22-3-10 sets out concurrent civil jurisdiction of magistrates in twelve areas:

¹The proper venue, or territorial jurisdiction, of any matter is beyond the scope of this opinion request. We note, however, that pursuant to Rule 4, SCRMC:

(a) A civil action may be filed in any magistrates court in the county in which at least one defendant resides or where the most substantial part of the cause of action arose, except that civil actions against domestic corporations may be filed in the county where such corporation shall have its principal place of business.

(b) A civil action may be filed in any magistrates court in the county in which the plaintiff resides or where the cause of action arose when the defendant does not reside in this State and jurisdiction is based upon S.C. Code Ann. §36-2-803 [*i.e.*, the long-arm statute].

See also §§15-7-10 and 15-7-20 [providing which actions must be tried where the subject matter is situated].

1. actions on contracts for the recovery of money, where the claim does not exceed \$7,500.00;
2. actions for damages for injury to rights pertaining to the person, or personal or real property, where the damages do not exceed \$7,500.00;
3. actions for a penalty, fine or forfeiture, not to exceed \$7,500.00;
4. actions commenced by attachment of property, as provided by statute, where debt or damages do not exceed \$7,500.00;
5. actions upon a bond conditioned for the payment of money, not exceeding \$7,500.00, whether the money is due in sum total or in installments;
6. actions upon a surety bond taken by the magistrate, when penalty or amount claimed does not exceed \$7,500.00;
7. actions upon a judgment rendered in magistrate's court when it is not prohibited by the South Carolina Rules of Civil Procedure;
8. taking and entering judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed \$7,500.00.
9. actions for damages or for fraud in the sale, purchase, or exchange of personal property, not to exceed \$7,500.00;
10. all landlord and tenant matters, as well as those included in Chapter 33 through 41 of Title 27, encompassing matters of leasehold estates, rent, ejectment of tenants and undertenants of life tenants;
11. actions to recover the possession of personal property, whose stated value does not exceed \$7,500.00;
12. in all actions provided for in this section when a filed counterclaim involves a sum not exceeding \$7,500.00.
13. in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed \$7,500.00.
14. in actions for damages arising from a person's failure to return leased or rented personal property within 72 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 \$7,500.00; 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.

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We specifically note that magistrate courts are vested with concurrent, not exclusive, original jurisdiction in the listed categories. See Op. S.C. Atty. Gen., August 11, 1976.² Moreover, jurisdiction may not be waived or conferred upon the magistrate by consent of the parties or by order of a higher court. Jenkins v. Atlantic Coast Line R. Co., 84 S.C. 343, 66 S.E. 409 (1909); Rock Hill Body Co. v. Rainey, 294 S.C. 426, 365 S.E.2d 228 (Ct. App. 1987).

As to your second question, a magistrate court would have concurrent jurisdiction to hear cases for these violations pursuant to §22-3-10,³ subject to the \$7,500.00 jurisdictional limitation imposed by this provision.⁴

Finally, whether a magistrate court has subject matter jurisdiction over a particular case involves numerous questions of fact which are beyond the scope of an opinion of this Office to resolve. Only a court could make such a determination and not this office. See Ops. S.C. Atty. Gen., May 25, 2010; March 10, 2004.


If you have any further questions, please advise.

Very truly yours,



N. Mark Rapoport
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General

cc: Mr. Curt Page

²Magistrates also have limited jurisdiction over mechanics' liens (§29-5-130), agricultural liens (§§29-13-80 and 29-13-90), repair or storage liens (§29-15-10), and animal owner's liens (§29-15-50).

³Section 22-3-20 limits a magistrate's jurisdiction by prohibiting the hearing of civil cases in which the State is a party, except for an action for a penalty not exceeding \$100, and for disputes as to title in real property matters, except as provided in §§22-3-1110 through 22-3-1180.

⁴We note that, pursuant to §22-3-30, if a defendant files a counterclaim against a plaintiff in an amount which if successful would exceed \$7,500.00, then the initial claim and counterclaim must be transferred to the Court of Common Pleas for that judicial circuit.