

1984 WL 249937 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1984

***1 SUBJECT: Taxation and Revenue—Casual Excise Tax—Effective Date of Increase.**

The tax levied by § 12-35-1710 is upon the issuance of the certificate of title or other proof of ownership. If that event occurred on or after July 1, 1984, the tax is five percent (5%).

APPLICABLE LAW: § 12-35-1710 of the 1976 Code of Laws, as amended by the 1984-85 Appropriation Act.

Honorable Ryan C. Shealy
Chairman
Lexington County Legislative Delegation

QUESTION:

Is the tax levied by § 12-35-1710 four or five percent when property is sold prior to July 1, 1984, however, its registration or licensing takes place after July 1, 1984?

DISCUSSION:

The rate is five percent (5%). Section 12-35-1710 levies the tax upon:

‘* * * the issuance of every certificate of title or other proof of ownership * * *.’

The taxable event is the issuance of the title or other proof of ownership. When such occurs after the effective date of the Act the tax is at the rate of five percent.

This is distinguished from the sales tax. That tax is levied upon the privilege of selling tangible personal property. A sale of property before July 1, 1984, subjects the sale to the four percent (4%) tax. The fact that the certificate of title or other proof of ownership is issued after that date does not alter or modify the taxable event.

CONCLUSION:

The tax levied by § 12-35-1710 is upon the issuance of the certificate of title or other proof of ownership. If that event occurred on or after July 1, 1984, the tax is five percent (5%).

Joe L. Allen, Jr.
Chief Deputy Attorney General

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