

House Bill 486

By: Representatives Evans of the 89th, Bentley of the 150th, Evans of the 57th, Fleming of the 125th, and Mathis of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to
2 cemetery and funeral services, so as to provide additional time under certain circumstances
3 for purchasers of burial lots, burial rights, burial merchandise, and burial services to pursue
4 a civil cause of action against sellers that violate certain laws; to provide for a short title; to
5 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Burial Purchaser Protection Act."

10 **SECTION 2.**

11 Chapter 14 of Title 10 of the Official Code of Georgia Annotated, relating to cemetery and
12 funeral services, is amended by revising Code Section 10-14-21, relating to purchaser's
13 remedy for violations, as follows:

14 "10-14-21.

15 (a) Any person who violates any provision of subsection (a) of Code Section 10-14-17
16 shall be liable to the person buying such burial lot, burial right, burial merchandise, or
17 burial ~~service~~ services; and such buyer may bring action in any court of competent
18 jurisdiction to recover the consideration paid ~~in cash~~ for the burial lot, burial right, burial
19 merchandise, or burial ~~service~~ services together with interest at the legal rate from the date
20 of such payment, and reasonable attorney's fees and costs.

21 (b) In addition to the remedy set forth in subsection (a) of this Code section, a purchaser
22 may apply to a court of competent jurisdiction in this state for an order authorizing the
23 recovery of the preneed escrow deposit if a registrant fails to deliver burial merchandise
24 or perform preneed burial services in accordance with the terms of the preneed sales
25 contract.

26 (c) ~~No person may bring action under this Code section more than two years from the date~~
27 ~~of the scheduled completion of the contract for sale or from the date of the sale if there is~~
28 ~~no contract for sale~~ A cause of action under this Code section shall be brought within two
29 years from the date of the sale, whether or not pursuant to a written contract; provided,
30 however, that as to the sale of a burial lot, burial right, burial merchandise, or burial
31 services, a cause of action of under this Code section shall be brought within two years
32 from the date of the completion of such sale or within two years after the request for the
33 use of such burial lot, burial right, burial merchandise, or burial services, whichever is later.

34 (d) Every cause of action under this chapter survives the death of any person who might
35 have been a plaintiff or defendant.

36 (e) Nothing in this chapter shall limit any statutory or common-law right of any person in
37 any court for any act involving the sale of a burial lot, burial right, burial merchandise, or
38 burial services."

39 **SECTION 3.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law
41 without such approval.

42 **SECTION 4.**

43 All laws and parts of laws in conflict with this Act are repealed.