

Session 108 - (1989-1990)

S*0414 (Rat #0143, Act #0089 of 1989) General Bill, By J.V. Smith, Bryan, Courson, Drummond, Giese, J.C. Hayes, R.L. Helmly, D.L. Hinds, C.T. Hinson, Holland, Leatherman, Leventis, J.M. Long, I.E. Lourie, A.S. Macaulay, S.S. Martschink, McGill, Moore, M.F. Mullinax, O'Dell, T.H. Pope, M.T. Rose, Saleeby, Setzler, H.C. Smith, N.W. Smith, H.S. Stilwell and Wilson

A Bill to amend Chapter 7 of Title 32, Code of Laws of South Carolina, 1976, relating to preneed burial contracts, so as to change the name of the contracts authorized under the Chapter to preneed funeral contracts, to define the terms "seller", "provider", "purchaser", and "beneficiary", to require that when any vault is sold preneed by a seller in accordance with this Chapter, one hundred percent of actual cost to the seller at the time of payment must be held as trust funds and deposited in a financial institution, to require that all taxes on the trust account must be paid in accordance with the Internal Revenue Code and applicable rules and regulations, to provide for a funeral contract when the full contract price amount is paid to the provider, to require that the funds held by a financial institution in trust for a beneficiary must not be paid until a death certificate is furnished by the provider, to provide for the refund of amounts deposited with the provider when they do not constitute payment in full, to provide that all contracts contain the name and funeral service license number of the provider and seller, to provide for a procedure for establishing a trust for the purchaser of a contract and establish requirements with regard to the establishment and maintenance of a trust account, to provide that the contract is voidable if the purchaser fails to make payments as provided in the contract, to provide that if the merchandise selected is not available at the time of need that the provider must make available to the purchaser merchandise of equal or greater value which must be approved by the purchaser or his representative, to provide under what conditions contracts may be made irrevocable, to provide for a procedure for the refund of monies paid for a contract, to provide a procedure for the transfer to another provider of a contract, to delete provisions with regard to the manner in which trust funds must be established and maintained, to provide for the occurrence of a provider going out of business, to authorize the Board of Financial Institutions to establish an amount rather than a two dollar service charge to be collected from each purchaser to be used in administering the provisions of this Chapter, to delete provisions making it unlawful for any person other than a funeral director or home to furnish or perform funeral services to accept or hold payments on a preneed burial contract except financial institutions, to delete provisions relating to commissions allowed persons on trust funds which arise out of a preneed burial contract, to delete provisions which make it unlawful for a licensee who sells preneed burial contracts to solicit or publicly advertise the availability of them and to establish a procedure for the solicitation and advertising of preneed funeral contracts, and to provide for the prohibition on the solicitation of these contracts, and to amend Section 39-55-35, relating to definitions used in the South Carolina Cemetery Act of 1984, so as to redefine "merchandise."-amended title

02/22/89 Senate Introduced and read first time SJ-4
02/22/89 Senate Referred to Committee on Judiciary SJ-4
03/29/89 Senate Committee report: Favorable with amendment Judiciary SJ-14
03/30/89 Senate Amended SJ-20
03/30/89 Senate Read second time SJ-22
03/30/89 Senate Ordered to third reading with notice of amendments SJ-22
04/04/89 Senate Read third time and sent to House SJ-32
04/05/89 House Introduced and read first time HJ-8
04/05/89 House Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-10
04/25/89 House Committee report: Favorable with amendment Medical, Military, Public and Municipal Affairs HJ-201
05/09/89 House Amended HJ-29
05/09/89 House Read second time HJ-31
05/10/89 House Read third time and returned to Senate with amendments HJ-23
05/11/89 Senate Concurred in House amendment and enrolled SJ-14
05/16/89 Ratified R 143
05/22/89 Signed By Governor
05/22/89 Effective date 07/21/89
05/22/89 Act No. 89
05/22/89 See act for exception to or explanation of effective date
05/26/89 Copies available