

House Bill 1218

By: Representatives Evans of the 83<sup>rd</sup>, Bentley of the 139<sup>th</sup>, Smith of the 18<sup>th</sup>, Leverett of the 33<sup>rd</sup>, Nelson of the 125<sup>th</sup>, and others

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) A cause of ~~No person may bring~~ action under this Code section ~~more than~~ shall be  
27 brought within two years from the date of the scheduled completion of the contract for sale  
28 ~~or from the date of the sale if there is no contract for sale at need, whether pursuant to a~~  
29 contract or not, or within two years after the person bringing the action requests the use of  
30 such burial lot, burial right, burial merchandise, or burial services, whichever is later.

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

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

36 **SECTION 3.**

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

39

**SECTION 4.**

40 All laws and parts of laws in conflict with this Act are repealed.