

House Bill 862

By: Representatives Scott of the 76<sup>th</sup>, Bentley of the 139<sup>th</sup>, Burnough of the 77<sup>th</sup>, Schofield of the 60<sup>th</sup>, and Davis of the 87<sup>th</sup>

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 specify the civil remedies  
5 available for such violations; to provide for related matters; to provide for an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "10-14-21.

13 (a) Any person who violates any provision of subsection (a) of Code Section 10-14-17  
14 shall be liable to the person buying such burial lot, burial right, burial merchandise, or  
15 burial ~~service~~ services; and such buyer may bring action in any court of competent  
16 jurisdiction to recover the consideration paid in cash for the burial lot, burial right, burial

17 merchandise, or burial ~~service~~ services together with interest at the legal rate from the date  
18 of such payment, and reasonable attorney's fees and costs.

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

24 (c) A cause of ~~No person may bring~~ action under this Code section ~~more than~~ shall be  
25 brought within two years from the date of the scheduled completion of the contract for sale  
26 ~~or, within two years~~ from the date of the sale if there is no contract for sale, or within two  
27 years after the person bringing the action knew or through the exercise of reasonable  
28 diligence should have discovered the alleged violation of Code Section 10-14-17,  
29 whichever is later; provided, however, that in no event shall the recovery of interest  
30 provided for in subsection (a) of this Code section exceed two years.

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 2.**

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

39 **SECTION 3.**

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