**A** **BILL**

TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 32‑7‑50 of the 1976 Code, as last amended by Act 70 of 2009, is further amended by adding at the end a new subsection to read:

“(D) A license issued pursuant to this section expires on September thirtieth of each odd‑numbered year, unless otherwise revoked or canceled. A license must be renewed by filing a renewal application, at least thirty days prior to expiration, on forms prescribed by the department. Each renewal application must be accompanied by a fee of one hundred dollars for the department to use in administering this chapter. If the Preneed Loss Reimbursement Fund has a balance of one hundred thousand dollars or less, the department shall deposit up to fifty dollars of each renewal fee received into the fund. The department shall consider the factors in subsection (B) prior to issuing a license.”

SECTION 2. Section 32‑7‑100 of the 1976 Code, as last amended by Act 70 of 2009, is further amended to read:

“Section 32‑7‑100. (A) A person wilfully violating the provisions of this chapter is guilty of a:

(1) misdemeanor if the amount of money obtained or sought to be obtained is less than five thousand dollars. ~~and,~~ Upon conviction, the person must be fined not less than one thousand dollars ~~or~~ nor more than five thousand dollars, or imprisoned for not less than ten days ~~or~~ nor more than six months, or both. In addition, this person may be prohibited from entering into further preneed funeral contracts if the department, in its discretion, finds that the offense is sufficiently grievous; and

(2) felony if the amount of the money obtained or sought to be obtained is five thousand dollars or more. Upon conviction, the person must be fined not less than five thousand dollars nor more than twenty thousand dollars or imprisoned for not more than ten years, or both, together with the costs of prosecution.

(B) The determination of the degree of an offense under subsection (A) must be measured by the total amount of all money obtained or sought to be obtained by the unlawful conduct.

(C) Before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, a licensee is entitled to request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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