**A** **BILL**

TO AMEND SECTION 62-3-801 OF THE 1976 CODE, RELATING TO NOTICE TO CREDITORS IN PROBATE PROCEEDINGS, TO PROVIDE THAT, UPON RECEIVING NOTICE AS PRESCRIBED BY LAW, CREDITORS MAY ONLY COMMUNICATE WITH THE DECEDENT’S PERSONAL REPRESENTATIVE CONCERNING OUTSTANDING DEBTS UNLESS OTHERWISE DIRECTED BY THE PERSONAL REPRESENTATIVE; AND TO AMEND SECTION 37-5-108(5) OF THE 1976 CODE, RELATING TO UNCONSCIONABLE DEBT COLLECTION PRACTICES, TO PROVIDE THAT IT IS UNCONSCIONABLE FOR A THIRD PARTY DEBT COLLECTOR TO COMMUNICATE WITH A DECEASED CONSUMER’S SPOUSE OR FAMILY MEMBER UNLESS THE COMMUNICATION IS LIMITED TO IDENTIFYING THE DECEASED CONSUMER’S PERSONAL REPRESENTATIVE.

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

SECTION 1. Section 62-3-801 of the 1976 Code is amended by adding:

“(e) Upon receiving notice of the decedent’s death, a creditor whose claim has not been barred must direct all correspondence related to any outstanding debt or cancellation of credit accounts to the personal representative unless otherwise directed by the personal representative.”

SECTION 2. Section 37-5-108(5) of the 1976 Code is amended by adding an appropriately lettered new subitem to read:

“( ) communicating with a deceased consumer’s spouse or a member of the deceased consumer’s family after the creditor knows, or should know, about the deceased consumer’s death, except for communications seeking to identify the deceased consumer’s personal representative.”

SECTION 3. This act takes effect upon approval by the Governor.

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