

The following legislation related to the Probate Judges has been passed during the 2016 legislative session, and the effective date is noted with each Act's description. A hyperlink to the full text of the Act is available following the summary of the Act.

Digital Assets

On June 3, 2016, **A260, R226, S908** was signed into law by the Governor. The provisions of this Act took effect June 3, 2016. This Act amends the Code of Laws of South Carolina to enact the "South Carolina Uniform Fiduciary Access to Digital Assets Act" by adding Part 10 to Article 2, Title 62, so as to establish a framework by which internet users have the power to plan for the management and disposition of digital assets upon death or incapacitation; to define necessary terms; to set forth the applicability of the act to fiduciaries, personal representatives, conservators, trustees, and other parties; to provide that the Act does not apply to a digital asset of an employer that is used by an employee in the ordinary course of business; and to require that the provisions of this Act be applied and construed so as to promote uniformity of law among the states.

For additional information regarding this Act, you may access the full text of this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/908.htm

Veteran Affairs

On June 9, 2016, **A278, R293, S777** was signed into law by the Governor. The provisions of this Act took effect June 9, 2016. The Act amends the Code of Laws of South Carolina by adding Section [62-5-436](#) so as to provide additional and alternative requirements for matters involving payment of benefits from the United States Department of Veterans Affairs and to define relevant terms; to amend Section [62-1-201](#), as amended, relating to definitions applicable to the South Carolina Probate Code, so as to define the term "VA" and to make other technical corrections; to amend Section [62-5-404](#), relating to the original petition for appointment or protective order, so as to require the petition to show that the person to be protected has been rated incompetent by the VA and to provide that the petition shall state the name and address of the person to be notified on behalf of the VA; to amend Section [62-5-405](#), as amended, relating to service of summons and petitions, notice of hearing, and waiver of notice by the person to be protected, so as to require service upon the VA and notice of the hearing in certain circumstances; to amend Section [62-5-407](#), as amended, relating to procedures concerning the hearing and order on original petition, so as to clarify certain provisions in cases involving payment of benefits from the VA; and to repeal Part 6, Article 5, Title 62 relating to the Uniform Veterans' Guardianship Act.

For additional information regarding this Act, you may access this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/777.htm

Power of Attorney

On June 9, 2016, **A279, R294, S778** was signed into law by the Governor. The provisions of this Act take effect on January 1, 2017. The Act amends the Code of Laws of South Carolina by adding Article 8 to Title 62, so as to enact the “South Carolina Uniform Power of Attorney Act”; to define applicable terms; to outline the Article’s requirements and applicability, and to provide exceptions; and to amend Part 5, Article 5, Title 62, relating to powers of attorney, so as to enact the “South Carolina Statutory Health Care Power of Attorney Act”; to define applicable terms; to outline the Part’s requirements and applicability; to provide execution and witness requirements; and to specify the proper form of a health care power of attorney.

For additional information regarding this Act, you may access this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/778.htm

Health Care Decisions

On June 3, 2016, **A226, R258, H3999** was signed into law by the Governor. The provisions of this Act took effect on June 3, 2016. The Act amends Section [44-66-30](#), code of Laws of South Carolina relating to persons who may make health care decisions for patients who are unable to provide consent, so as to make changes to the order of priority, to add classes of persons with the authority to make these health care decisions, and for other purposes.

For additional information regarding this Act, you may access this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/3999.htm

Experimental Treatments

On June 3, 2016, **A230, R263, H4542** was signed into law by the Governor. The provisions of this Act took effect on June 3, 2016. The Act amends the Code of Laws of South Carolina to enact the “The Right to Try Act” by adding Chapter 137 to Title 44 so as to give certain patients with a terminal illness the right to try an investigational drug, biological product, or device to treat the illness; to provide protection from liability for entities providing care for a patient using an investigational drug, biological product, or device and for manufacturers of these drugs, biologics, and devices; to protect certain health care providers and entities from professional discipline or other sanctions for recommending an investigational drug, biological product, or device; and for other purposes.

For additional information regarding this Act, you may access this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/4542.htm

Roll-back Property Tax

On June 7, 2016, **A251, R250, H3313** was signed into law by the Governor. The provisions of this Act took effect on June 7, 2016. The Act amends the Code of Laws of South Carolina by adding Section [12-43-222](#) so as to provide that for purposes of calculating roll-back tax due on a parcel of real property changed from agricultural to commercial or residential use the value used for platted green space for conservation or open space use of the parcel, the value must be based on the green space for conservation or open space use if such use is ten percent or more of the parcel, and to provide other qualifications; to amend Section [12-43-220](#), as amended, relating to

classes of property and applicable assessment ratios for purposes of imposition of the property tax, so as to make a conforming amendment, to provide that after a parcel of real property has undergone an assessable transfer of interest, delinquent property tax and penalties assessed because the property was improperly classified as owner-occupied residential property while owned by the transferor are solely a personal liability of the transferor and do not constitute a lien on the property and are not enforceable against the property after the assessable transfer of interest if the transferee is a bona fide purchaser for value without notice, and to provide that roll-back taxes must not be applied solely because the owner of the property fails to apply for an agricultural assessment so long as the actual use of the property remains agricultural, and to provide that if the property assessment is changed from agricultural or the property is assessed roll-back taxes, the property must continue to be assessed as agricultural and the roll-back taxes may not be applied until the final appeal date; and by adding Section [12-43-370](#) so as to authorize a county to allow a taxpayer to elect to receive his property tax bill and receipt in electronic form, and to provide administrative requirements.

For additional information regarding this Act, you may access this legislation by clicking on the following link: http://www.scstatehouse.gov/sess121_2015-2016/bills/3313.htm