



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
 (803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: S. 1041 Introduced on February 22, 2018
Author: Davis
Subject: Vulnerable Adults
Requestor: Senate Banking and Insurance
RFA Analyst(s): Heineman, Mitchell, and Shuford
Impact Date: March 12, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Undetermined	\$0
Other and Federal	Undetermined	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	Undetermined	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill will have no expenditure impact for the Department of Social Services or the Lieutenant Governor's Office, because the implementation of this bill will not materially impact the activities of these agencies. The expenditure impact for Department of Consumer Affairs (DCA) is undetermined, as the agency is unable to estimate how many complaints they may receive, and actions will depend upon available resources.

The impact on Other Funds revenue is undetermined, because DCA does not have data to estimate the revenue it would receive from imposing penalties on violators of this bill.

Explanation of Fiscal Impact

Introduced on February 22, 2018

State Expenditure

This bill amends current law by adding that a vulnerable adult, an authorized representative, or the estate of an injured vulnerable adult may file a civil action against a person who financially exploits a vulnerable adult. Damages recovered in a civil action may be three times the amount of actual damages or \$3,000 for each violation, whichever is greater, as well as reasonable attorney's fees and court costs. In addition, a person seeking damages may pursue a civil action to enjoin and restrain future acts financially exploiting a vulnerable adult.

Upon conviction, a person violating the provisions of this legislation can be guilty of a misdemeanor or felony, depending upon the value of the money or property obtained or sought to be obtained. For amounts less than \$2,000, the person may be convicted of a misdemeanor

and fined not less than \$1,000 or imprisoned for not more than thirty days, or both. A person may be guilty of a felony if the value is over \$2,000. For amounts between \$2,000 and \$10,000, the person must be fined in the discretion of the court or imprisoned for not more than five years, or both. If the total value is \$10,000 or more, the person must be fined in the discretion of the court or imprisoned for not more than ten years, or both. In addition, violations may be considered grounds for revocation, suspension, or non-renewal of a professional license or registration issued by an agency of South Carolina.

Department of Consumer Affairs. The department indicates they receive complaints from people who meet the vulnerable adult definition, but they do not have data to estimate the number of complaints that would prompt an enforcement action. Additionally, actions taken by the department will depend upon available resources. Therefore, the expenditure impact on the General Fund and Other Funds is undetermined.

Department of Social Services (DSS). This bill requires DSS, as a person legally authorized on behalf of a vulnerable adult, to file civil actions to enforce the provisions of this bill. DSS indicates that this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds of the agency because the Omnibus Adult Protection Act (APA) requires DSS to investigate non-criminal reports of alleged abuse, neglect, and exploitation of vulnerable adults. Therefore, the violations against vulnerable adults described in this bill can be investigated currently by DSS as exploitation pursuant to the APA.

Lieutenant Governor's Office on Aging. The agency indicates that this bill does not fiscally or materially impact the activities of the office. As such, the bill does not impact the General Fund, Other Funds, or Federal Funds.

State Revenue

This bill amends current law by giving authority to the administrator of the Department of Consumer Affairs (DCA) to issue an administrative order to cease and desist and to return property or money received that violates the provisions of this bill. In addition, the administrator of DCA may impose penalties of up to \$10,000 per violation and bring a civil action seeking equitable relief. Penalties received shall be retained by the agency for the administration of this title.

DCA receives complaints from people who meet the definition of a vulnerable adult, but they do not have data to estimate the number of complaints that would require an enforcement action. Therefore, the amount of funds the department could receive in penalties is unknown. As a result, the impact of this bill on Other Funds revenue is undetermined.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director