

FIRST REGULAR SESSION

SENATE BILL NO. 510

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 14, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2129S.011

AN ACT

To repeal sections 214.275 and 214.340, RSMo, and to enact in lieu thereof two new sections relating to cemeteries.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 214.275 and 214.340, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 214.275 and 214.340, to
3 read as follows:

214.275. 1. No endowed care or nonendowed care cemetery shall be
2 operated in this state unless the owner or operator thereof has a license issued
3 by the division and complies with all applicable state, county or municipal
4 ordinances and regulations.

5 2. It shall not be unlawful for a person who does not have a license to care
6 for or maintain the cemetery premises, or to fulfill prior contractual obligations
7 for the interment of human remains in burial spaces.

8 3. Applications for a license shall be in writing, submitted to the division
9 on forms prescribed by the division. The application shall contain such
10 information as the division deems necessary and be accompanied by the required
11 fee.

12 4. Each license issued pursuant to sections 214.270 to 214.516 shall be
13 renewed prior to the license renewal date established by the division. The
14 division shall issue a new license upon receipt of a proper renewal application,
15 **trust fund report as required by section 214.340**, and the required renewal
16 fee. The required renewal fee shall be fifty dollars, plus an assessment for each
17 interment, inurnment or other disposition of human remains at a cemetery for
18 which a charge is made, as the division shall by rule determine, not to exceed ten

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 dollars per such disposition in the case of an endowed care cemetery, and six
20 dollars for such disposition in the case of a nonendowed care cemetery. The
21 division shall mail a renewal notice to the last known address of the holder of the
22 license prior to the renewal date. The holder of a license shall keep the division
23 advised of the holder's current address. The license issued to the owner or
24 operator of a cemetery which is not renewed within three months after the license
25 renewal date shall be suspended automatically, subject to the right of the holder
26 to have the suspended license reinstated within nine months of the date of
27 suspension if the person pays the required reinstatement fee. Any license
28 suspended and not reinstated within nine months of the suspension shall expire
29 and be void and the holder of such license shall have no rights or privileges
30 provided to holders of valid licenses. Any person whose license has expired may,
31 upon demonstration of current qualifications and payment of required fees, be
32 reregistered or reauthorized under the person's original license number.

33 5. The division shall grant or deny each application for a license pursuant
34 to this section within ninety days after it is filed, and no prosecution of any
35 person who has filed an application for such license shall be initiated unless it
36 is shown that such application was denied by the division and the owner was
37 notified thereof.

38 6. Upon the filing of a completed application, as defined by rule, the
39 applicant may operate the business until the application is acted upon by the
40 division.

41 7. Within thirty days after the sale or transfer of ownership or control of
42 a cemetery, the transferor shall return his or her license to the division. A
43 prospective purchaser or transferee of a cemetery shall file an application for a
44 license at least thirty days prior to the sale or transfer of ownership or control of
45 a cemetery and shall be in compliance with sections 214.270 to 214.516.

214.340. 1. Each operator of an endowed care cemetery shall maintain at
2 an office in the cemetery or, if the cemetery has no office in the cemetery, at an
3 office within a reasonable distance of the cemetery, the reports of the endowed
4 care fund's operation for the preceding seven years. Each report shall contain,
5 at least, the following information:

6 (1) Name and address of the trustee of the endowed care fund and the
7 depository, if different from the trustee;

8 (2) Balance per previous year's report;

9 (3) Principal contributions received since previous report;

- 10 (4) Total earnings since previous report;
- 11 (5) Total distribution to the cemetery operator since the previous report;
- 12 (6) Current balance;
- 13 (7) A statement of all assets listing cash, real or personal property, stocks,
- 14 bonds, and other assets, showing cost, acquisition date and current market value
- 15 of each asset;
- 16 (8) Total expenses, excluding distributions to cemetery operator, since
- 17 previous report; and
- 18 (9) A statement of the cemetery's total acreage and of its developed
- 19 acreage.
- 20 2. Subdivisions (1) through (7) of the report described in subsection 1
- 21 above shall be certified to under oath as complete and correct by a corporate
- 22 officer of the trustee. Subdivision (8) of such report shall be certified under oath
- 23 as complete and correct by an officer of the cemetery operator. Both the trustee
- 24 and cemetery operator or officer shall be subject to the penalty of making a false
- 25 affidavit or declaration.
- 26 3. The report shall be placed in the cemetery's office within ninety days
- 27 of the close of the trust's fiscal year. A copy of this report shall be filed by the
- 28 cemetery operator with the division of professional registration [within ninety
- 29 days of the close of the trust fund's fiscal year] **as condition of license**
- 30 **renewal as required by subsection 4 of section 214.275.** The report shall
- 31 not be sent to the state board of embalmers and funeral directors.
- 32 4. Each cemetery operator who establishes a segregated account pursuant
- 33 to subsection 1 of section 214.385 shall file with the report required under
- 34 subsection 1 of this section a segregated account report that shall provide the
- 35 following information:
- 36 (1) The number of monuments, markers and memorials that have been
- 37 deferred for delivery by purchase designation;
- 38 (2) The aggregate wholesale cost of all such monuments, markers and
- 39 memorials; and
- 40 (3) The amount on deposit in the segregated account established pursuant
- 41 to section 214.385, and the account number.

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