

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1314

Short Title: Cemetery Consumer Protection.

(Public)

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Sponsors: Representatives Allred, Earle, H. Hunter, Sexton; Eddins, Hardy, Hill, and Sutton.

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Referred to: Ways and Means, if favorable, Judiciary II.

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May 18, 1998

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING  
2 CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION, AS  
3 RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S  
4 STUDY COMMITTEE ON CEMETERY ISSUES.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 65-53 is amended by adding the following new subdivisions to  
8 read:

9 "(9) To ensure that cemetery companies do not discourage reasonable  
10 competition with providers of services and products for cemeteries.

11 (10) To ensure that owners of rights to grave spaces, mausoleum spaces, and  
12 columbarium spaces and providers of services and cemetery products  
13 shall have reasonable access to cemeteries.

14 (11) To ensure that contracts for the sale of personal property and services,  
15 whether preneed or at-need, contain the disclosures required pursuant to  
16 G.S. 65-66(d).

17 (12) To adopt temporary rules pursuant to Chapter 150B of the General  
18 Statutes to implement subdivisions (9), (10), and (11) of this section  
19 until such time as permanent rules are adopted."

1 Section 2. G.S. 65-66(d) reads as rewritten:

2 "(d) Any contract for the sale of personal property ~~and/or or services~~ services,  
3 whether preneed or at-need, shall state-disclose separate costs the following:

4 (1) The cost for each item of personal ~~property,~~ property and for each act of  
5 installation or other service required by the contract, and for each other  
6 item of services included in the contract, including any costs for interment,  
7 entombment, or inurnment;

8 (2) Specification of whether opening and closing of a grave space,  
9 mausoleum space, or columbarium space is included in the contract,  
10 and, if not, the current prices for opening and closing and a statement  
11 that these prices are subject to change;

12 (3) Any requirements or costs relating to memorial markers, including any  
13 duties of the grave space, mausoleum space, or columbarium space  
14 owner if the owner desires to have an outside provider provide the  
15 marker and any costs relating to having an outside provider provide and  
16 place a marker;

17 (4) A statement describing, in language that is readable by a person of  
18 average intelligence, experience, and education, the nature of the  
19 property right in the grave space, mausoleum space, or columbarium  
20 space."

21 Section 3. G.S. 65-66 is amended by adding a new subsection to read:

22 "(n) A cemetery company shall not prohibit providers of cemetery products or  
23 services from providing products or services to persons having rights in a grave space,  
24 mausoleum space, or columbarium space so long as the provider is properly bonded and  
25 qualified to provide the product or service. This subsection does not prohibit a cemetery  
26 company from adopting reasonable rules to ensure that these providers follow procedures  
27 established by the cemetery company to fulfill its obligation to its purchasers."

28 Section 4. This act is effective when it becomes law.