

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1314  
Committee Substitute Favorable 6/8/98

Short Title: Cemetery Consumer Protection.

(Public)

Sponsors:

Referred to:

May 18, 1998

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN CHANGES TO REGULATIONS REGARDING  
CEMETERIES TO PROVIDE FOR CONSUMER PROTECTION, BASED ON  
RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S  
STUDY COMMITTEE ON CEMETERY ISSUES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 65-53 is amended by inserting a new subdivision to read:

"(3a) Investigate, upon its own initiative or upon a verified complaint in writing, whether a particular contract for the sale of personal property or services, whether preneed or at-need, contains the disclosure required pursuant to G.S. 65-66(d) and adopt temporary rules pursuant to Chapter 150B of the General Statutes, if necessary, to implement this subdivision until such time as permanent rules are adopted."

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

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

(1) The cost for each item of personal property, property and for each act of installation or other service required by the contract, and for each other

1 ~~item of services included in the contract, including any costs for interment,~~  
2 ~~entombment, or inurnment;~~

3 (2) Specification of (i) whether opening and closing of a grave space,  
4 mausoleum space, or columbarium space is included in the contract,  
5 and, if not, the current prices for opening and closing and a statement  
6 that these prices are subject to change and (ii) whether the grave space,  
7 mausoleum space, or columbarium space is new or used;

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

13 (4) A statement describing, in language that is readable and understandable  
14 by a person of average intelligence, experience, and education, the  
15 nature of the property right in the grave space, mausoleum space, or  
16 columbarium space; and

17 (5) A statement that a purchaser has, pursuant to G.S. 65-66(m), 30 days  
18 following the execution of a contract to cancel the contract by giving  
19 written notice to the seller and that the seller may cancel the contract,  
20 upon default by the purchaser, by giving written notice to the  
21 purchaser."

22 Section 3. G.S. 65-53 is amended by adding a new subdivision to read:

23 "(9) The Commission shall keep records of the complaints received and the  
24 action taken by the Commission on each complaint. These records shall  
25 be kept for at least five years after receipt of the complaint."

26 Section 4. The Department of Justice through the Office of the Attorney  
27 General, Consumer Protection Division, shall ensure that private, for-profit cemetery  
28 companies operate within Article 1 of Chapter 75 of the General Statutes, titled  
29 "Monopolies, Trusts, and Consumer Protection", and the federal antitrust and unfair trade  
30 practices laws.

31 Section 5. This act is effective when it becomes law.