
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 125

Session of
1981

INTRODUCED BY DOMBROWSKI, BOWSER, KLINGAMAN, BOYES, CAPPABIANCA,
MACKOWSKI AND A. C. FOSTER, JR., JANUARY 19, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 19, 1981

AN ACT

1 Amending Title 9 (Burial Grounds) of the Pennsylvania
2 Consolidated Statutes, further providing for the filing of
3 accounts, requiring cemeteries to be licensed, imposing
4 duties on the Pennsylvania Real Estate Commission and
5 providing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 308 of Title 9, act of November 25, 1970
9 (P.L.707, No.230), known as the Pennsylvania Consolidated
10 Statutes, is amended to read:

11 § 308. Accounts of qualified trustee.

12 (a) Institutional trustee.--The qualified trustee, if an
13 institutional trustee, shall file accounts in the court of
14 common pleas of the county in which the cemetery, or any part
15 thereof, is situate, which accounts shall be filed triennially
16 and at such other times as the court may direct, and which
17 accounts shall be audited, adjudicated and confirmed by the
18 court upon such notice to the parties in interest as the court
19 may determine.

1 (b) Cemetery company as trustee.--[The court of common pleas
2 of the county in which the cemetery, or any part thereof, is
3 situated shall have jurisdiction in the discretion of said court
4 to compel any] An incorporated cemetery company acting as a
5 qualified trustee under section 309 [of this title] (relating to
6 incorporated cemetery company as qualified trustee) [to file
7 accounts of any funds deposited in the permanent lot care fund.]
8 shall file accounts in the court of common pleas of the county
9 in which the majority of the cemetery is situate, which accounts
10 shall cover the period from January 1, 1981 to January 1, 1983
11 or for the period from the last filing whichever is shorter and
12 which accounts shall be filed initially within 24 months of the
13 effective date of this amendatory section and biennially
14 thereafter and at such other times as the court may direct, and
15 which accounts shall be audited, adjudicated and confirmed by
16 the court upon such notice to the parties in interest as the
17 court may determine.

18 Section 2. Title 9 is amended by adding sections to read:
19 § 312. Cemeteries to be licensed.

20 (a) License required.--No person, copartnership, association
21 or corporation shall engage in or carry on a business within the
22 Commonwealth within the limited field or branch of such a
23 business which applies to cemetery lots, plots and mausoleum
24 spaces, openings or foundations without first obtaining a
25 license pursuant to this section unless such cemetery is owned
26 or controlled by a bona fide church or religious congregation or
27 any association created by any such bona fide church or
28 religious congregation. Any person, copartnership, association
29 or corporation violating the provisions of this subsection shall
30 be subject to the penalties provided in section 310 (relating to

1 penalties).

2 (b) Application for license.--Any application for a license
3 to operate a cemetery shall be made in writing to the Department
4 of State, upon a form provided for that purpose by the
5 department and shall contain such information as the
6 Pennsylvania Real Estate Commission shall require.

7 § 313. Investigation of cemetery business.

8 The Pennsylvania Real Estate Commission is authorized to
9 investigate any licensee engaged in a business relating to
10 cemetery lots, plots or mausoleum spaces, openings or
11 foundations and to fine up to \$1,000 or suspend or revoke the
12 license in accordance with the provisions of section 604 of the
13 act of February 19, 1980 (No.9), known as the "Real Estate
14 Licensing Act" if it is determined that the licensee has
15 violated any of the provisions of that act, of Ch. 3 (relating
16 to the regulation of cemetery companies), or the act of August
17 14, 1963 (P.L.1059, No.459), relating to future need sales for
18 death and interment or if it is determined that a cemetery is
19 engaging in the business without obtaining a license or while
20 the license is suspended the criminal penalties provided for in
21 section 303 of the "Real Estate Licensing Act" may be imposed.

22 Section 3. This act shall take effect January 31, 1982.