

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1257 Session of
1983

INTRODUCED BY DOMBROWSKI, BOWSER, MERRY, HAYES, CAPPABIANCA,
STAIRS, MADIGAN AND PETERSON, JUNE 27, 1983

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 27, 1983

AN ACT

1 Amending Title 9 (Burial Grounds) of the Pennsylvania
2 Consolidated Statutes, further exempting certain nonprofit
3 cemetery companies.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 101 of Title 9 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:

8 § 101. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this title which are applicable to specific
11 chapters or other provisions of this title, the following words
12 and phrases when used in this title shall have, unless the
13 context clearly indicates otherwise, the meanings given to them
14 in this section:

15 * * *

16 "Commission." The State Real Estate Commission established
17 under section 453 of the act of April 9, 1929 (P.L.177, No.175),
18 known as The Administrative Code of 1929.

1 * * *

2 Section 2. Title 9 is amended by adding a section to read:

3 § 313. Exemption for nonprofit cemetery companies.

4 (a) General rule.--A nonprofit cemetery company which
5 complies with this section and meets the requirements of
6 subsection (c) shall, upon the issuance of a certificate of
7 exemption, be exempt from the provisions of this chapter during
8 any calendar year in which the nonprofit cemetery company is
9 operating under a valid certificate of exemption or any renewal
10 thereof. The certificate of exemption shall be valid for the
11 calendar year issued and the immediately following calendar
12 year. A renewal of a certificate of exemption shall be valid for
13 the calendar year issued and for the immediately following
14 calendar year.

15 (b) Application and fee.--The application for a certificate
16 of exemption and any renewal thereof shall be on a form prepared
17 by the commission and shall contain any information as to the
18 applicant that the commission requires. The fee for the
19 application and the initial certificate of exemption shall be
20 \$25. No fee shall be required for the renewal of a certificate
21 of exemption or any application filed in connection with the
22 renewal.

23 (c) Requirements.--A nonprofit cemetery company which
24 applies for a certificate of exemption or any annual renewal of
25 an issued certificate of exemption shall meet all of the
26 following requirements:

27 (1) The applicant is a nonprofit cemetery company.

28 (2) The applicant has sold six or less cemetery lots in
29 each year since its formation or in each of the five calendar
30 years immediately preceding its application or renewal

1 thereof, whichever is less.

2 (3) The applicant will not sell more than six cemetery
3 lots in any calendar year covered by the certificate of
4 exemption or renewal thereof.

5 (4) The president of the applicant executes an affidavit
6 on behalf of the applicant which attests to the compliance of
7 the applicant with this section and which shall accompany
8 each initial application or renewal application.

9 (d) Exemption from other law.--A nonprofit cemetery company
10 which receives a certificate of exemption or renewal thereof
11 under this section shall also be exempt from the act of February
12 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and
13 Registration Act.

14 (e) Penalty for false statements.--A person who signs or
15 participates in the preparation of an application or a renewal
16 application which contains a material statement that the person
17 does not believe to be true commits a misdemeanor of the second
18 degree.

19 (f) Ineligibility of company.--A company which operates
20 under a certificate of exemption which was issued on the basis
21 of false information on any application or renewal, or a company
22 which sells more than six cemetery lots in any calendar year in
23 which it is operating under a certificate of exemption or
24 renewal thereof, shall be ineligible for a certificate of
25 exemption for a period of five years from the date of the
26 determination of a violation of this section.

27 Section 3. This act shall take effect immediately.