

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1019 Session of 2017

INTRODUCED BY GILLEN, BARRAR, CALTAGIRONE, D. COSTA, COX, DIAMOND, DRISCOLL, FARRY, FRANKEL, GABLER, A. HARRIS, HICKERNELL, JOZWIAK, KNOWLES, LAWRENCE, McCARTER, MCGINNIS, McNEILL, MILLARD, B. MILLER, MOUL, NEILSON, O'BRIEN, O'NEILL, PICKETT, QUIGLEY, ROZZI, STAATS, TALLMAN, WARD, WATSON, ZIMMERMAN, RADER, WARNER, EMRICK, MACKENZIE, TOOHL, MAHER, WHEELAND, READSHAW, MASSER, DeLUCA, REESE AND SAYLOR, MARCH 30, 2017

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 28, 2017

AN ACT

1 Amending Titles 9 (Burial Grounds) and 68 (Real and Personal
2 Property) of the Pennsylvania Consolidated Statutes, in
3 general provisions relating to burial grounds, further
4 providing for definitions; providing for transfer of
5 ownership of cemeteries and for reasonable access to burial
6 grounds; prescribing a penalty; and, in seller disclosures,
7 further providing for disclosure form.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 101 of Title 9 of the Pennsylvania
11 Consolidated Statutes is amended by adding a definition

<--

12 DEFINITIONS to read:

<--

13 § 101. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this title which are applicable to specific
16 chapters or other provisions of this title, the following words
17 and phrases when used in this title shall have, unless the

1 context clearly indicates otherwise, the meanings given to them  
2 in this section:

3 "Burial plot." Real property where an individual has been <--  
4 guaranteed THE RIGHT to be interred when the individual dies, <--  
5 but legal title to ownership of the land has not been conveyed  
6 by the person who owns the land.

7 \* \* \*

8 "PRIVATE CEMETERY." A PLACE FOR THE DISPOSAL OR BURIAL OF <--  
9 DECEASED HUMAN BEINGS, BY CREMATION OR IN A GRAVE, MAUSOLEUM,  
10 VAULT, COLUMBARIUM OR OTHER RECEPTACLE, BUT THE OWNERSHIP OR  
11 RIGHT TO USE ANY BURIAL PLOT IS NOT OFFERED TO THE PUBLIC.

12 "PRIVATE FAMILY CEMETERY." A PLACE FOR THE DISPOSAL OR  
13 BURIAL OF DECEASED HUMAN BEINGS, BY CREMATION OR IN A GRAVE,  
14 MAUSOLEUM, VAULT, COLUMBARIUM OR OTHER RECEPTACLE, BUT THE  
15 OWNERSHIP OR RIGHT TO USE ANY BURIAL PLOT IS RESTRICTED TO A  
16 GROUP OF PERSONS RELATED TO EACH OTHER BY BLOOD OR MARRIAGE.

17 "PROOF OF PURCHASE." A GRAVE DEED, CONTRACT OR OTHER  
18 DOCUMENT OR RECEIPT WHICH REASONABLY DEMONSTRATES OWNERSHIP OR  
19 THE RIGHT TO USE A BURIAL PLOT.

20 \* \* \*

21 Section 2. Title 9 is amended by adding chapters to read:

22 CHAPTER 5  
23 TRANSFER OF OWNERSHIP  
24 OF CEMETERIES

25 Sec.

26 501. Notification.

27 502. Responsibilities.

28 § 501. Notification.

29 Prior to purchasing real property, a potential purchaser  
30 shall be notified of a cemetery, PRIVATE CEMETERY or private <--

1 family cemetery on the property in accordance with the  
2 following:

3 (1) If the real property is subject to a residential  
4 real estate transaction, the seller shall inform the  
5 purchaser of a CEMETERY, PRIVATE CEMETERY OR private family <--  
6 cemetery on the real property, in accordance with 68 Pa.C.S.  
7 § 7304(b)(18) (relating to disclosure form).

8 (2) If the real property is subject to a commercial real  
9 estate transaction, the seller shall inform the purchaser of  
10 a cemetery, PRIVATE CEMETERY or private family cemetery on <--  
11 the real property.

12 § 502. Responsibilities.

13 When there is a transfer of ownership of real property where  
14 burial plots are located, the new owner shall:

15 (1) Honor all purchases of burial plots on the real  
16 property made before the transfer of ownership.

17 (2) Allow for the interment of any individual for whom  
18 proof of purchase of a burial plot prior to the transfer of  
19 ownership can be produced, provided that:

20 (i) The new owner may discontinue the sale of burial  
21 plots.

22 (ii) Failure by the new owner to comply with the  
23 provisions of this chapter shall be a violation of the  
24 act of December 17, 1968 (P.L.1224, No.387), known as the  
25 Unfair Trade Practices and Consumer Protection Law, and  
26 the Office of Attorney General may bring an enforcement  
27 action against the new owner.

28 (3) Establish reasonable access procedures in accordance  
29 with Chapter 7 (relating to reasonable access to burial  
30 grounds).



1 cemetery for the purpose of visiting the burial plot.

2 (c) Private CEMETERIES AND PRIVATE family cemeteries.--The <--  
3 owner of property where a PRIVATE CEMETERY OR private family <--  
4 cemetery is located shall grant an individual reasonable ingress  
5 and egress to a burial plot in the PRIVATE CEMETERY OR THE <--  
6 private family cemetery for the purpose of visiting the burial  
7 plot.

8 (d) Residential buildings.--For cemeteries, PRIVATE <--  
9 CEMETERIES or private family cemeteries where a residential  
10 building is located on the real property, the owner of the real  
11 property may determine that reasonable access includes  
12 prearranged times for visitation and the methods of ingress and  
13 egress to the burial plot.

14 (e) Reasonableness ACCESS STANDARDS.--The cemetery company <--  
15 or owner may designate the frequency, hours and duration of  
16 visitation and the route of ingress and egress.

17 (f) Immunity.--The cemetery company or owner shall, in the  
18 absence of gross negligence or willful misconduct, be immune  
19 from liability in a civil suit, claim or cause of action arising  
20 out of access granted under this section.

21 (g) Petition.--An individual denied reasonable access under  
22 this section may petition the court of common pleas having  
23 jurisdiction where the cemetery, PRIVATE CEMETERY, private <--  
24 family cemetery or burial plot is located for relief.

25 (h) Penalty.--A person who violates this section commits a  
26 misdemeanor of the third degree.

27 Section 3. Section 7304(b) of Title 68 is amended by adding  
28 a paragraph to read:

29 § 7304. Disclosure form.

30 \* \* \*

1 (b) Contents of property disclosure statement.--The form of  
2 property disclosure statement promulgated by the State Real  
3 Estate Commission shall call for disclosures with respect to all  
4 of the following subjects:

5 \* \* \*

6 (18) Condition, if known, and location of a burial site,<--  
7 family burial site PLOT, CEMETERY, PRIVATE CEMETERY, PRIVATE <--  
8 FAMILY CEMETERY or other grave marker on the property, the  
9 responsibilities related to access and additional interments  
10 as provided under 9 Pa.C.S. Chs. 5 (relating to transfer of  
11 ownership of cemeteries) and 7 (relating to reasonable access  
12 to burial grounds).

13 \* \* \*

14 Section 4. This act shall apply to cemeteries, PRIVATE <--  
15 CEMETERIES and private family cemeteries regardless of the date  
16 of burial or acquisition of title to the cemetery, PRIVATE <--  
17 CEMETERY or private family cemetery.

18 Section 5. This act shall take effect in 60 days.