

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, SAYLOR, DAWKINS, NELSON AND DAVIS, MARCH 30, 2017

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 7, 2017

AN ACT

1 Amending ~~Titles~~ TITLE 9 (Burial Grounds) ~~and 68 (Real and~~ <--
2 ~~Personal Property)~~ of the Pennsylvania Consolidated Statutes,
3 in general provisions relating to burial grounds, further
4 providing for definitions; and providing for transfer of
5 ownership of cemeteries and for reasonable access to burial
6 grounds.

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

9 Section 1. The definition of "cemetery" in section 101 of
10 Title 9 of the Pennsylvania Consolidated Statutes is amended and
11 the section is amended by adding definitions to read:

12 § 101. Definitions.

13 Subject to additional definitions contained in subsequent
14 provisions of this title which are applicable to specific
15 chapters or other provisions of this title, the following words
16 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 the
4 right to be interred when the individual dies, but legal title
5 to ownership of the land has not been conveyed by the person who
6 owns the land.

7 "Cemetery." A place for the disposal or burial of deceased
8 human beings, by cremation or in a grave, mausoleum, vault,
9 columbarium or other receptacle, but the term does not include a
10 private cemetery or a private family cemetery.

11 * * *

12 "Private cemetery." A place for the disposal or burial of
13 deceased human beings, by cremation or in a grave, mausoleum,
14 vault, columbarium or other receptacle, but the ownership or
15 right to use any burial plot is not offered to the public.

16 "Private family cemetery." A place for the disposal or
17 burial of deceased human beings, by cremation or in a grave,
18 mausoleum, vault, columbarium or other receptacle, but the
19 ownership or right to use any burial plot is restricted to a
20 group of persons related to each other by blood or marriage.

21 "Proof of purchase." A grave deed, contract or other
22 document or receipt which reasonably demonstrates ownership or
23 the right to use a burial plot.

24 * * *

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

26 CHAPTER 5

27 TRANSFER OF OWNERSHIP

28 OF CEMETERIES

29 Sec.

30 501. Responsibilities.

1 § 501. Responsibilities.

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

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

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

9 (i) The new owner may discontinue the sale of burial
10 plots.

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

17 (3) Establish reasonable access procedures in accordance
18 with Chapter 7 (relating to reasonable access to burial
19 grounds).

20 CHAPTER 7

21 REASONABLE ACCESS TO

22 BURIAL GROUNDS

23 Sec.

24 701. Definitions.

25 702. Declaration of policy.

26 703. Reasonable access for visitation.

27 § 701. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Burial plot." The location of a deceased human being
2 located in a grave, mausoleum, vault, columbarium or other
3 receptacle.

4 § 702. Declaration of policy.

5 The General Assembly finds and declares as follows:

6 (1) An individual has a right to reasonable access for
7 visitation to a burial plot in a cemetery that is owned by a
8 cemetery company or person other than a cemetery company or
9 is a private cemetery or private family cemetery.

10 (2) The Commonwealth has a significant interest in
11 protecting that right.

12 § 703. Reasonable access for visitation.

13 (a) Cemetery companies.--A cemetery company shall grant an
14 individual reasonable ingress and egress to a burial plot in a
15 cemetery owned by a cemetery company for the purpose of visiting
16 the burial plot.

17 (b) Cemeteries not owned by cemetery companies.--The owner
18 of a cemetery not owned by a cemetery company shall grant an
19 individual reasonable ingress and egress to a burial plot in the
20 cemetery for the purpose of visiting the burial plot.

21 (c) Private cemeteries and private family cemeteries.--The
22 owner of property where a private cemetery or private family
23 cemetery is located shall grant an individual reasonable ingress
24 and egress to a burial plot in the private cemetery or the
25 private family cemetery for the purpose of visiting the burial
26 plot.

27 (d) Residential buildings.--For cemeteries, private
28 cemeteries or private family cemeteries where a residential
29 building is located on the real property, the owner of the real
30 property may determine that reasonable access includes

1 prearranged times for visitation and the methods of ingress and
2 egress to the burial plot.

3 (e) Access standards.--The cemetery company or the owner of
4 real property where a cemetery, private cemetery, private family
5 cemetery or burial plot is located may designate the frequency,
6 hours and duration of visitation and the route of ingress and
7 egress.

8 (f) Immunity.--The cemetery company or the owner of real
9 property where a cemetery, private cemetery, private family
10 cemetery or burial plot is located shall, in the absence of
11 gross negligence or willful misconduct, be immune from liability
12 in a civil suit, claim or cause of action arising out of access
13 granted under this section.

14 (g) Petition.--An individual denied reasonable access under
15 this section may petition the court of common pleas having
16 jurisdiction where the cemetery, private cemetery, private
17 family cemetery or burial plot is located for relief.

18 Section 3. This act shall apply to cemeteries, private
19 cemeteries and private family cemeteries regardless of the date
20 of burial or acquisition of title to the cemetery, private
21 cemetery or private family cemetery.

22 Section 4. This act shall take effect in 60 days.