



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1019

PRINTERS NO. 2202

PRIME SPONSOR: Gillen

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0
Local Funds	\$0	\$0

**SUMMARY:** Amends Title 9 (Burial Grounds) to establish procedures for the sale and purchase of a cemetery and reasonable access guidelines. This legislation would take effect in 60 days and would be applicable to cemeteries/private cemeteries/private family cemeteries regardless of the date of burial or acquisition of title to the cemetery/private cemetery/private family cemetery.

**ANALYSIS:** This legislation amends Title 9 to establish procedures for the sale and purchase of a cemetery and reasonable access guidelines.

**Transfer of Ownership:** This legislation creates a new Chapter 5 which details the notice requirements of the seller and responsibilities of the purchaser in regards to transferring ownership of cemeteries of all classifications. After the purchase of a cemetery, the new owner is required to honor all transactions made prior to transfer of ownership. The new owner must allow for interment in plots sold prior to transfer of ownership, provided there is proof of purchase. The new owner is under no obligation to continue to sell burial plots. If the new owner fails to comply with the provisions in the chapter, it is a violation of the Unfair Trade Practices and Consumer Protection Law. Such a violation may result in an enforcement action brought by the Attorney General.

**Access to Cemeteries:** This legislation creates a new Chapter 7 which acknowledges the Commonwealth's interest in protecting the rights of individuals to have reasonable access to cemeteries for visitation. Chapter 7 outlines four classifications of cemeteries and the procedures required of those cemeteries to establish reasonable access. The four classifications are:

- company owned cemeteries,
- non-company owned cemeteries,
- private family cemeteries, and
- cemeteries with residential buildings.

Owners of a company, non-company, or private family cemetery may designate the frequency, hours, and duration of visitation as well as the route for access to the burial plots, and are required to grant reasonable ingress and egress for individuals to visit burial plots.

Cemeteries with residential buildings may designate the frequency, hours, and duration of visitation as well as the route for access to the burial plots, but are allowed to require pre-arranged times for visitation as well as the methods of access to the burial plots.

Persons denied reasonable access to a burial plot may bring suit in the court of common pleas in which the property is located. A cemetery company/owner will be immune from civil liability unless gross negligence or willful conduct exists.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or local funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** July 5, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*