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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 1392 Session of  
1977

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INTRODUCED BY WENGER, BRANDT, HONAMAN, MILLER, YAHNER,  
MOEHLMANN, STEWART, ARMSTRONG, STUBAN, DeWEESE, BITTINGER,  
SCHEAFFER, W. W. FOSTER, MOWERY, MADIGAN, WEIDNER,  
E. H. SMITH, LEVI, MACKOWSKI, COLE, POTT, DIETZ, SIRIANNI,  
DORR, CALTAGIRONE, STAIRS, ZEARFOSS, MORRIS, BROWN, CESSAR  
AND PICCOLA, JUNE 23, 1977

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 23, 1977

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AN ACT

1 Amending Title 9 (Burial Grounds), of the Pennsylvania  
2 Consolidated Statutes, further providing for initial deposits  
3 and for making an editorial change.

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

6 Section 1. Sections 301, 302 and 307 of Title 9, act of  
7 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
8 Consolidated Statutes, added November 15, 1972 (P.L.1063,  
9 No.271), are amended to read:

10 § 301. Initial deposits by newly-organized cemetery companies.

11 (a) General [rule] rules.--

12 (1) No cemetery company over five acres shall establish  
13 a cemetery, or dispose or make sale of any lot therein,  
14 without first causing to be deposited with a qualified  
15 trustee a sum of not less than \$25,000 as a permanent lot  
16 care fund.

1       (2) No cemetery company of five acres or less, shall  
2       establish a cemetery or dispose or make sale of any lot  
3       therein without first causing to be deposited with a  
4       qualified trustee a sum of not less than \$5,000 per acre or  
5       part thereof as a permanent lot care fund.

6       (b) Exceptions.--The provisions of subsection (a) of this  
7 section shall not apply to any bona fide church or religious  
8 congregation or any association created by any such bona fide  
9 church or religious congregation.

10 § 302. Initial deposits by existing cemetery companies.

11       (a) General [rule] rules.--

12       (1) No cemetery company over five acres specified in  
13       subsections (b) or (c) of this section shall dispose or make  
14       any sale of any lot situated in the cemetery of such cemetery  
15       company, without first causing to be deposited with a  
16       qualified trustee a sum of not less than \$25,000 as a  
17       permanent lot care fund. Such sum may include any existing  
18       funds invested in a permanent lot care fund or otherwise  
19       which may be converted to the permanent lot care fund  
20       required.

21       (2) No cemetery company of five acres or less specified  
22       in subsections (b) or (c) of this section, shall establish a  
23       cemetery or dispose or make sale of any lot therein without  
24       first causing to be deposited with a qualified trustee a sum  
25       of not less than \$5,000 per acre or part thereof as a  
26       permanent lot care fund.

27       (b) Unincorporated companies.--The provisions of subsection  
28 (a) of this section shall apply to every unincorporated cemetery  
29 company:

30       (1) which established a cemetery on or after October 2,

1 1959; or

2 (2) which extended or enlarged its cemetery or acquired  
3 additional lands for such purposes on or after October 2,  
4 1959.

5 (c) Incorporated companies.--The provisions of subsection  
6 (a) of this section shall apply to:

7 (1) a corporation not-for-profit incorporated on or  
8 after November 18, 1961; or

9 (2) a corporation for profit incorporated on or after  
10 January 19, 1952.

11 § 307. Investment and operation of fund.

12 The permanent lot care fund shall be invested by the  
13 qualified trustee in the manner authorized for fiduciaries by  
14 [the Fiduciaries Investment Act of 1949] Chapter 73 of Title 20  
15 (relating to fiduciaries investments), and the qualified  
16 trustee, if an institutional trustee, shall pay semi-annually  
17 the net income of the fund to the cemetery company for the  
18 purposes set forth in this chapter.

19 Section 2. This act shall take effect in 60 days.