

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 125

Session of  
1981

---

INTRODUCED BY DOMBROWSKI, BOWSER, KLINGAMAN, BOYES, CAPPABIANCA,  
MACKOWSKI AND A. C. FOSTER, JR., JANUARY 19, 1981

---

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 19, 1981

---

AN ACT

1 Amending Title 9 (Burial Grounds) of the Pennsylvania  
2 Consolidated Statutes, further providing for the filing of  
3 accounts, requiring cemeteries to be licensed, imposing  
4 duties on the Pennsylvania Real Estate Commission and  
5 providing penalties.

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

8 Section 1. Section 308 of Title 9, act of November 25, 1970  
9 (P.L.707, No.230), known as the Pennsylvania Consolidated  
10 Statutes, is amended to read:

11 § 308. Accounts of qualified trustee.

12 (a) Institutional trustee.--The qualified trustee, if an  
13 institutional trustee, shall file accounts in the court of  
14 common pleas of the county in which the cemetery, or any part  
15 thereof, is situate, which accounts shall be filed triennially  
16 and at such other times as the court may direct, and which  
17 accounts shall be audited, adjudicated and confirmed by the  
18 court upon such notice to the parties in interest as the court  
19 may determine.

1 (b) Cemetery company as trustee.--[The court of common pleas  
2 of the county in which the cemetery, or any part thereof, is  
3 situated shall have jurisdiction in the discretion of said court  
4 to compel any] An incorporated cemetery company acting as a  
5 qualified trustee under section 309 [of this title] (relating to  
6 incorporated cemetery company as qualified trustee) [to file  
7 accounts of any funds deposited in the permanent lot care fund.]  
8 shall file accounts in the court of common pleas of the county  
9 in which the majority of the cemetery is situate, which accounts  
10 shall cover the period from January 1, 1981 to January 1, 1983  
11 or for the period from the last filing whichever is shorter and  
12 which accounts shall be filed initially within 24 months of the  
13 effective date of this amendatory section and biennially  
14 thereafter and at such other times as the court may direct, and  
15 which accounts shall be audited, adjudicated and confirmed by  
16 the court upon such notice to the parties in interest as the  
17 court may determine.

18 Section 2. Title 9 is amended by adding sections to read:  
19 § 312. Cemeteries to be licensed.

20 (a) License required.--No person, copartnership, association  
21 or corporation shall engage in or carry on a business within the  
22 Commonwealth within the limited field or branch of such a  
23 business which applies to cemetery lots, plots and mausoleum  
24 spaces, openings or foundations without first obtaining a  
25 license pursuant to this section unless such cemetery is owned  
26 or controlled by a bona fide church or religious congregation or  
27 any association created by any such bona fide church or  
28 religious congregation. Any person, copartnership, association  
29 or corporation violating the provisions of this subsection shall  
30 be subject to the penalties provided in section 310 (relating to

1 penalties).

2 (b) Application for license.--Any application for a license  
3 to operate a cemetery shall be made in writing to the Department  
4 of State, upon a form provided for that purpose by the  
5 department and shall contain such information as the  
6 Pennsylvania Real Estate Commission shall require.

7 § 313. Investigation of cemetery business.

8 The Pennsylvania Real Estate Commission is authorized to  
9 investigate any licensee engaged in a business relating to  
10 cemetery lots, plots or mausoleum spaces, openings or  
11 foundations and to fine up to \$1,000 or suspend or revoke the  
12 license in accordance with the provisions of section 604 of the  
13 act of February 19, 1980 (No.9), known as the "Real Estate  
14 Licensing Act" if it is determined that the licensee has  
15 violated any of the provisions of that act, of Ch. 3 (relating  
16 to the regulation of cemetery companies), or the act of August  
17 14, 1963 (P.L.1059, No.459), relating to future need sales for  
18 death and interment or if it is determined that a cemetery is  
19 engaging in the business without obtaining a license or while  
20 the license is suspended the criminal penalties provided for in  
21 section 303 of the "Real Estate Licensing Act" may be imposed.

22 Section 3. This act shall take effect January 31, 1982.