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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1019 Session of  
2017

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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 AND  
ZIMMERMAN, MARCH 30, 2017

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 30, 2017

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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 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  
17 context clearly indicates otherwise, the meanings given to them  
18 in this section:

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

5 \* \* \*

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

7 CHAPTER 5

8 TRANSFER OF OWNERSHIP

9 OF CEMETERIES

10 Sec.

11 501. Notification.

12 502. Responsibilities.

13 § 501. Notification.

14 Prior to purchasing real property, a potential purchaser  
15 shall be notified of a cemetery or private family cemetery on  
16 the property in accordance with the following:

17 (1) If the real property is subject to a residential  
18 real estate transaction, the seller shall inform the  
19 purchaser of a private family cemetery on the real property,  
20 in accordance with 68 Pa.C.S. § 7304(b)(18) (relating to  
21 disclosure form).

22 (2) If the real property is subject to a commercial real  
23 estate transaction, the seller shall inform the purchaser of  
24 a cemetery or private family cemetery on the real property.

25 § 502. Responsibilities.

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

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

30 (2) Allow for the interment of any individual for whom

1 proof of purchase of a burial plot prior to the transfer of  
2 ownership can be produced, provided that:

3 (i) The new owner may discontinue the sale of burial  
4 plots.

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

11 (3) Establish reasonable access procedures in accordance  
12 with Chapter 7 (relating to reasonable access to burial  
13 grounds).

14 CHAPTER 7

15 REASONABLE ACCESS TO

16 BURIAL GROUNDS

17 Sec.

18 701. Declaration of policy.

19 702. Reasonable access for visitation.

20 § 701. Declaration of policy.

21 The General Assembly finds and declares as follows:

22 (1) An individual has a right to reasonable access for  
23 visitation to a burial plot in a cemetery that is owned by a  
24 cemetery company or person other than a cemetery company or  
25 is a private family cemetery.

26 (2) The Commonwealth has a significant interest in  
27 protecting that right.

28 § 702. Reasonable access for visitation.

29 (a) Cemetery companies.--A cemetery company shall grant an  
30 individual reasonable ingress and egress to a burial plot in a

1 cemetery owned by a cemetery company for the purpose of visiting  
2 the burial plot.

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

7 (c) Private family cemeteries.--The owner of property where  
8 a private family cemetery is located shall grant an individual  
9 reasonable ingress and egress to a burial plot in the private  
10 family cemetery for the purpose of visiting the burial plot.

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

16 (e) Reasonableness.--The cemetery company or owner may  
17 designate the frequency, hours and duration of visitation and  
18 the route of ingress and egress.

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

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

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

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

1 § 7304. Disclosure form.

2 \* \* \*

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

7 \* \* \*

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

14 \* \* \*

15 Section 4. This act shall apply to cemeteries and private  
16 family cemeteries regardless of the date of burial or  
17 acquisition of title to the cemetery or private family cemetery.

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