

FIRST REGULAR SESSION

HOUSE BILL NO. 482

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), LYNCH, HURST, SPENCER, MCKENNA,
SOLON, REIBOLDT, GRISAMORE AND WHITE (Co-sponsors).

1079H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 194.360, RSMo, and to enact in lieu thereof one new section relating to the disposal of unclaimed veterans' remains.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 194.360, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 194.360, to read as follows:

194.360. 1. As used in this section the following terms shall mean:

(1) "Funeral establishment", as defined in section 333.011, a funeral home, a funeral director, an embalmer, or an employee of any of the individuals or entities;

(2) **"Veteran", a person honorably discharged from the armed forces of the United States, including but not limited to the Philippine Commonwealth Army, the Regular Scouts ("Old Scouts"), and the Special Philippine Scouts ("New Scouts");**

(3) **"Veterans' service organization", [an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States Congress, including the Disabled American Veterans, Veterans of Foreign Wars, the American Legion, the Legion of Honor, the Missing in America Project, and the Vietnam Veterans of America. The term includes a member or employee of any of those associations or entities.] a veterans' organization that is federally chartered by the United States Congress, a veterans' service organization recognized by the Department of Veterans Affairs, or that qualifies as a section 501(c)(3) or 501(c)(19) nonprofit tax organization under the Internal Revenue Code and is organized for the verification and burial of veterans and dependants;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(4) “Information”, data required by the Department of Veterans Affairs to verify**
17 **a veteran or a dependant’s eligibility for burial in a national or state veterans’ cemetery,**
18 **including the person’s name, service number, social security number, date of birth, date**
19 **of death, place of birth, and a copy of the death certificate.**

20 **2. A funeral establishment or coroner in possession of cremated remains shall**
21 **release the required information to the Department of Veterans Affairs or a veterans’**
22 **service organization to obtain verification of the veteran’s or veteran’s dependant’s**
23 **eligibility. When verification of a veteran or dependant is completed, these entities may**
24 **transport the remains to a national or state veterans’ cemetery.**

25 **3. A funeral establishment or coroner who releases the information required** is not
26 liable for simple negligence in the disposition of the cremated remains of a veteran to a veterans'
27 service organization for the purposes of interment by that organization if:

28 (1) The remains have been in the possession of the funeral establishment for a period of
29 at least one year, all or any part of which period may occur or may have occurred before or after
30 August 28, 2009;

31 (2) The funeral establishment **or coroner** has given notice, as provided in subdivision
32 (1) or (2) of subsection 3 of this section, to the person entitled to the remains under section
33 194.350 of the matters provided in subsection 4 of this section; and

34 (3) The remains have not been claimed by the person entitled to the remains under
35 section 194.350 within the period of time provided for in subsection 4 of this section following
36 notice to the person entitled to the remains under section 194.350.

37 **[3.] 4.** In order for the immunity provided in subsection 2 of this section to apply, a
38 funeral establishment **or coroner** shall take the following action, alone or in conjunction with
39 a veterans' service organization, to provide notice to the person entitled to the remains under
40 section 194.350:

41 (1) Give written notice by mail to the person entitled to the remains under section
42 194.350 for whom the address of the person entitled to the remains under section 194.350 is
43 known or can reasonably be ascertained by the funeral establishment giving the notice; or

44 (2) If the address of the person entitled to the remains under section 194.350 is not
45 known or cannot reasonably be ascertained, give notice to the person entitled to the remains
46 under section 194.350 by publication in a newspaper of general circulation:

47 (a) In the county of the veteran's residence; or

48 (b) If the residence of the veteran is unknown, in the county in which the veteran died;
49 or

50 (c) If the county in which the veteran died is unknown, in the county in which the funeral
51 establishment giving notice is located.

52 [4.] 5. The notice required by subsection 3 of this section must include a statement to the
53 effect that the remains of the veteran must be claimed by the person entitled to the remains under
54 section 194.350 within thirty days after the date of mailing of the written notice provided for in
55 subdivision (1) of subsection 3 of this section or within [four months] **one month** of the date of
56 the first publication of the notice provided for in subdivision (2) of subsection 3 of this section,
57 as applicable, and that if the remains are not claimed, the remains may be given to a veterans'
58 service organization for interment.

59 [5.] 6. A veterans' service organization receiving cremated remains of a veteran from a
60 funeral establishment for the purposes of interment is not liable for simple negligence in the
61 custody or interment of the remains if the veterans' service organization inters and does not
62 scatter the remains and does not know and has no reason to know that the remains do not satisfy
63 the requirements of subdivision (1) or (2) of subsection 3 of this section, as applicable.

64 [6.] 7. A veterans' service organization accepting remains under this section shall take
65 all reasonable steps to inter the remains in a veterans' cemetery.

✓