

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 111
95TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs, Pensions and Urban Affairs, April 9, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0668S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 194, RSMo, by adding thereto 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. Chapter 194, RSMo, is amended by adding thereto one new section, 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, RSMo, a funeral home, a funeral director, an embalmer, or an employee of any of the individuals or entities;

(2) "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.

2. A funeral establishment is not liable for simple negligence in the disposition of the cremated remains of a veteran to a veterans' service organization for the purposes of internment by that organization if:

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

20 (2) The funeral establishment has given notice, as provided in
21 subdivision (1) or (2) of subsection 3 of this section, to the person
22 entitled to the remains under section 194.350 of the matters provided
23 in subsection 4 of this section; and

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

28 3. In order for the immunity provided in subsection 2 of this
29 section to apply, a funeral establishment shall take the following
30 action, alone or in conjunction with a veterans' service organization,
31 to provide notice to the person entitled to the remains under section
32 194.350:

33 (1) Give written notice by mail to the person entitled to the
34 remains under section 194.350 for whom the address of the person
35 entitled to the remains under section 194.350 is known or can
36 reasonably be ascertained by the funeral establishment giving the
37 notice; or

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

42 (a) In the county of the veterans' residence; or

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

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

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

56 5. A veterans' service organization receiving cremated remains

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

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

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