

HB 945 -- Endowed Care Cemeteries

Sponsor: Wells

This bill changes the laws regarding endowed care cemeteries. In its main provisions, the bill:

(1) Allows the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to bring suit in Cole County against cemetery operators;

(2) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, and crypts to meet certain requirements;

(3) Requires any person or entity with real property used for the burial of human remains, excluding family burial grounds, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2009, or within 30 days of acquiring the land;

(4) Exempts cemetery operators from the provisions of Chapter 436, RSMo, relating to prearranged funeral contracts but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter;

(5) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri. All activities of the trust must be controlled by Missouri law, and all funds held in trust must remain in Missouri;

(6) Requires cemetery operators to notify the division in writing at least 30 days prior to ceasing to do business and selling a majority of their assets. Operators are required to place 15% of the purchased amount in escrow for at least six months in order to determine whether there are any financial deficiencies;

(7) Allows cemetery prearranged merchandise products contracts to be canceled and fully refunded within 30 days after the contract has been executed;

(8) Allows the division to direct trustees to suspend the distribution of money from endowed care trust funds if the cemetery operator is not licensed, has failed to file annual reports, doesn't respond to inquiries, or has failed to file a corrective action plan; and

(9) Specifies that anyone who knowingly and unlawfully destroys, mutilates, disfigures, defaces, or removes without authorization any human remains from a cemetery or burial ground or other place of interment, entombment, or inurnment will be guilty of a class A misdemeanor.