

HB3484



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3484

by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

225 ILCS 411/35-15

Amends the Cemetery Oversight Act. Provides that any contract for the sale of a burial plot must be witnessed or attested by a notary public upon signing. Provides that if a contract for the sale of a burial plot designates one or more individuals to be buried in the burial plot, any change in the designation of any of those individuals must be authorized in an instrument that is executed by a person who has the authority to make such a change and is sworn or affirmed and acknowledged before a notary public. Makes conforming changes.

LRB100 06189 RJF 16223 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Oversight Act is amended by
5 changing Section 35-15 as follows:

6 (225 ILCS 411/35-15)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 35-15. Cemetery duties.

9 (a) Prices for all cemetery-related products offered for
10 sale by the cemetery authority must be disclosed to the
11 consumer in writing on a standardized price list.
12 Memorialization pricing may be disclosed in price ranges. The
13 price list shall include the effective dates of the prices. The
14 price list shall include not only the range of interment,
15 inurnment, and entombment rights, and the cost of extending the
16 term of any term burial, but also any related merchandise or
17 services offered by the cemetery authority. Charges for
18 installation of markers, monuments, and vaults in cemeteries
19 must be the same without regard to where the item is purchased.

20 (b) A contract for the interment, inurnment, or entombment
21 of human remains must be signed by both parties: the consumer
22 and the cemetery authority or its representative. Before a
23 contract is signed, the prices for the purchased services and

1 merchandise must be disclosed on the contract and in plain
2 language. If a contract is for a term burial, the term, the
3 option to extend the term, and the subsequent disposition of
4 the human remains post-term must be in bold print and discussed
5 with the consumer. Any contract for the sale of a burial plot
6 must be witnessed or attested by a notary public upon signing,
7 as provided under Sections 6-102 and 6-103 of the Illinois
8 Notary Public Act. Such contract for the sale of a burial plot,
9 when designated, must disclose the exact location of the burial
10 plot based on the survey of the cemetery map or plat on file
11 with the cemetery authority. If a contract for the sale of a
12 burial plot designates one or more individuals to be buried in
13 the burial plot, any change in the designation of any of those
14 individuals must be authorized in an instrument that is
15 executed by a person who has the authority to make such a
16 change and is sworn or affirmed and acknowledged before a
17 notary public.

18 (c) A cemetery authority that has the legal right to extend
19 a term burial shall, prior to disinterment, provide the family
20 or other authorized agent under the Disposition of Remains Act
21 the opportunity to extend the term of a term burial for the
22 cost as stated on the cemetery authority's current price list.
23 Regardless of whether the family or other authorized agent
24 chooses to extend the term burial, the cemetery authority
25 shall, prior to disinterment, provide notice to the family or
26 other authorized agent under the Disposition of Remains Act of

1 the cemetery authority's intention to disinter the remains and
2 to inter different human remains in that space.

3 (d) If any rules or regulations, including the operational
4 or maintenance requirements, of a cemetery change after the
5 date a contract is signed for the purchase of cemetery-related
6 or funeral-related products or services, the cemetery may not
7 require the consumer, purchaser, or such individual's relative
8 or representative to purchase any merchandise or service not
9 included in the original contract or in the rules and
10 regulations in existence when the contract was entered unless
11 the purchase is reasonable or required to make the cemetery
12 authority compliant with applicable law.

13 (e) No cemetery authority or its agent may engage in
14 deceptive or unfair practices. The cemetery authority and its
15 agents may not misrepresent legal or cemetery requirements.

16 (f) The Department may adopt rules regarding green burial
17 certification, green cremation products and methods, and
18 consumer education.

19 (g) The contractual requirements contained in this Section
20 only apply to contracts executed after the effective date of
21 this Act.

22 (Source: P.A. 96-863, eff. 3-1-10.)