



Sen. Emil Jones, III

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LRB099 03402 KTG 33594 a

1 AMENDMENT TO SENATE BILL 158

2 AMENDMENT NO. _____. Amend Senate Bill 158 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Disposition of Remains Act is amended by
5 changing Section 45 as follows:

6 (755 ILCS 65/45)

7 Sec. 45. Liability.

8 (a) There shall be no liability for a cemetery
9 organization, a business operating a crematory or columbarium
10 or both, a funeral director or an embalmer, or a funeral
11 establishment that carries out the written directions of a
12 decedent or the directions of any person who represents that
13 the person is entitled to control the disposition of the
14 decedent's remains. Nothing herein shall be intended or
15 construed to reduce or eliminate liability for the gross
16 negligence or willful acts of any cemetery organization,

1 business operating a crematory or columbarium or both, funeral
2 director or embalmer, or funeral establishment.

3 (b) Notwithstanding any other provision of this Act, if
4 there is no written direction concerning the disposition of a
5 decedent's remains pursuant to Sections 10 and 15 of this Act,
6 a cemetery organization, business operating a crematory or
7 columbarium or both, funeral director or embalmer, or funeral
8 establishment, before carrying out the directions of any person
9 who represents himself or herself as being entitled to control
10 the disposition of the decedent's remains, shall require that
11 person to furnish an affidavit signed by the person before a
12 notary public, stating under oath or affirmation that the
13 person is entitled to control the disposition of the decedent's
14 remains. The affidavit shall also be signed by 2 witnesses
15 related to the decedent. Upon receiving the affidavit, the
16 cemetery organization, business operating a crematory or
17 columbarium or both, funeral director or embalmer, or funeral
18 establishment shall make a good faith effort to verify that the
19 person who represents himself or herself as being entitled to
20 control the disposition of the decedent's remains is in fact
21 entitled to control the disposition of the decedent's remains.
22 A cemetery organization, business operating a crematory or
23 columbarium or both, funeral director or embalmer, or funeral
24 establishment that does not require an affidavit under this
25 subsection or does not retain the affidavit for a period of no
26 less than 3 years is liable for damages in an action which may

1 be brought in the circuit court of the county in which the
2 place of business is established.

3 (Source: P.A. 94-561, eff. 1-1-06.)".