

3538--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 28, 2013

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Introduced by M. of A. WEISENBERG, COLTON, MILLMAN, ROBINSON, CYMBROW-ITZ, COOK, RAIA, GIBSON, ROBERTS, MONTESANO -- Multi-Sponsored by -- M. of A. BARRON, BRENNAN, HOOPER, JAFFEE, MAISEL, MARKEY, McDONOUGH, McKEVITT, PERRY, RABBITT, RIVERA, TITONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law, in relation to a cemetery customer's bill of rights

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 1510 of the not-for-profit corporation law is  
2     amended by adding a new paragraph (n) to read as follows:  
3     (N) POSTING AND DISTRIBUTION OF THE NEW YORK STATE CEMETERY DISCLOSURE  
4     FORM. (1) A NEW YORK STATE CEMETERY DISCLOSURE FORM SHALL BE CREATED BY  
5     THE STATE CEMETERY BOARD AND SHALL BE CONSPICUOUSLY POSTED BY A CEMETERY  
6     CORPORATION IN EACH OF ITS OFFICES. A COPY OF SUCH FORM SHALL BE  
7     PROVIDED BY THE CEMETERY CORPORATION TO ANY PERSON INTERESTED IN OR  
8     SEEKING INFORMATION ABOUT ARRANGING FOR AN INTERMENT OR PURCHASING  
9     INTERMENT RIGHTS OR ANY OTHER GOODS OR SERVICES OFFERED BY THE CEMETERY  
10    PRIOR TO ANY IN-PERSON OR FACE-TO-FACE DISCUSSION OR CONVERSATIONS WITH  
11    THE CEMETERY CORPORATION ABOUT SUCH INTERMENT, RIGHTS, GOODS OR  
12    SERVICES. ADDITIONALLY, THE NEW YORK STATE CEMETERY DISCLOSURE FORM  
13    SHALL BE POSTED ON THE WEB SITE OF THE DEPARTMENT OF STATE'S DIVISION OF  
14    CEMETERIES AND SHALL BE MADE AVAILABLE IN PAPER FORMAT TO A REQUESTING  
15    PERSON.  
16    (2) THE NEW YORK STATE CEMETERY DISCLOSURE FORM SHALL BE IN THE FORM  
17    AND MANNER AS PRESCRIBED BY THE STATE CEMETERY BOARD, INCLUDE THE  
18    CONTACT INFORMATION OF THE NEW YORK DEPARTMENT OF STATE DIVISION OF  
19    CEMETERIES, AND INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD07573-02-3

1 (A) A DESCRIPTION OF AND INFORMATION ABOUT THE REGULATION OF CEME-  
2 TERIES IN NEW YORK, THE NEW YORK DEPARTMENT OF STATE DIVISION OF CEME-  
3 TERIES AND THE STATE CEMETERY BOARD, AND A DESCRIPTION OF THOSE TYPES OF  
4 CEMETERIES THAT ARE NOT REGULATED BY THE STATE CEMETERY BOARD;

5 (B) A DESCRIPTION OF THE PROCESS OF PURCHASING AND RE-SELLING A BURIAL  
6 LOT, PLOT OR PART THEREOF;

7 (C) A DESCRIPTION OF THE NATURE OF THE RIGHT TO INTERMENT;

8 (D) A DESCRIPTION OF INHERITANCE RIGHTS OF A BURIAL LOT, PLOT OR PART  
9 THEREOF;

10 (E) A LISTING OF REASONS THAT INTERMENT MAY BE DENIED;

11 (F) OPTIONS REGARDING HOW REMAINS MAY BE DISPOSED;

12 (G) A DESCRIPTION OF THE REQUIREMENTS IN REGARDS TO THE USE OF OUTER  
13 ENCLOSURES;

14 (H) A DESCRIPTION OF CEMETERY TRUST FUNDS;

15 (I) A LISTING AND DESCRIPTION OF CEMETERY FEES AND SERVICES; AND

16 (J) ANY OTHER INFORMATION DEEMED NECESSARY.

17 (3) THE STATE CEMETERY BOARD MAY, FROM TIME TO TIME, UPDATE AND AMEND  
18 THE NEW YORK STATE CEMETERY DISCLOSURE FORM AS IT DEEMS NECESSARY AND  
19 PROPER AND MAY ADOPT RULES AND REGULATIONS FOR THE PROPER ADMINISTRATION  
20 OF THIS SECTION.

21 S 2. This act shall take effect January 1, 2014. Effective immediate-  
22 ly, the addition, amendment and/or repeal of any rule or regulation  
23 necessary for the implementation of this act on its effective date is  
24 authorized to be made and completed on or before such date.