S T A T E O F N E W Y O R K

3538--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. WEISENBERG, COLTON, MILLMAN, ROBINSON, CYMBROWITZ, COOK, RAIA, ROBERTS, MONTESANO -- Multi-Sponsored by -- M. of A. BRENNAN, HOOPER, JAFFEE, MARKEY, McDONOUGH, McKEVITT, PERRY, 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 -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. Section 1510 of the not-for-profit corporation law is amended by adding a new paragraph (n) to read as follows:

(N) POSTING AND DISTRIBUTION OF THE NEW YORK STATE CEMETERY DISCLOSURE FORM. (1) A NEW YORK STATE CEMETERY DISCLOSURE FORM SHALL BE CREATED BY THE STATE CEMETERY BOARD AND SHALL BE CONSPICUOUSLY POSTED BY A CEMETERY CORPORATION IN EACH OF ITS OFFICES. A COPY OF SUCH FORM SHALL BE PROVIDED BY THE CEMETERY CORPORATION TO ANY PERSON INTERESTED IN OR SEEKING INFORMATION ABOUT ARRANGING FOR AN INTERMENT OR PURCHASING INTERMENT RIGHTS OR ANY OTHER GOODS OR SERVICES OFFERED BY THE CEMETERY PRIOR TO ANY IN-PERSON OR FACE-TO-FACE DISCUSSION OR CONVERSATIONS WITH THE CEMETERY CORPORATION ABOUT SUCH INTERMENT, RIGHTS, GOODS OR SERVICES. ADDITIONALLY, THE NEW YORK STATE CEMETERY DISCLOSURE FORM SHALL BE POSTED ON THE WEB SITE OF THE DEPARTMENT OF STATE'S DIVISION OF CEMETERIES AND SHALL BE MADE AVAILABLE IN PAPER FORMAT TO A REQUESTING PERSON.

(2) THE NEW YORK STATE CEMETERY DISCLOSURE FORM SHALL BE IN THE FORM AND MANNER AS PRESCRIBED BY THE STATE CEMETERY BOARD, INCLUDE THE

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

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CONTACT INFORMATION OF THE NEW YORK DEPARTMENT OF STATE DIVISION OF CEMETERIES, AND INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

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

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

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

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

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

(F) OPTIONS REGARDING HOW REMAINS MAY BE DISPOSED;

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

(H) A DESCRIPTION OF CEMETERY TRUST FUNDS;

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

(J) ANY OTHER INFORMATION DEEMED NECESSARY.

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

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.