STATE OF NEW YORK

8408

IN SENATE

May 22, 2020

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to utilizing technology in cemetery lot sales

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of section 1513 of the not-for-profit corporation law, as added by chapter 871 of the laws of 1977, is amended to read as follows:

(a) Conveyance of lots. (1) Except as otherwise provided in this [~~subdivision~~] **paragraph** the right to use any lot, plot or part thereof may be sold or conveyed only by the cemetery corporation. (2) It shall be unlawful for any person, firm or corporation to purchase or for a cemetery corporation to sell a lot, plot or part thereof for the purpose of resale. This provision, however, shall not prohibit the sale to its members of lots, plots or parts thereof, or the right to use any lot, plot or part thereof, by a membership or religious corporation or unincorporated association or society which provides burial benefits for its members. (3) It shall be unlawful for a cemetery corporation to pay or offer to pay, or for any person, firm or corporation to receive, directly or indirectly, a commission, bonus, rebate or other things of value for, or in connection with, the sale of any lot, plot or part thereof, or the sale of space in a public mausoleum, or the furnishing by or through the cemetery corporation of any service, merchandise, wares, goods or articles. The provisions of this paragraph shall not apply to a person regularly employed and supervised by the cemetery corporation. (4) **Notwithstanding any inconsistent provision of this paragraph, and subject to the provisions of section fifteen hundred sixteen of this article, a cemetery corporation may enter into a contract with a third-party vendor to create and maintain a website for the purposes of the sale of any lot, plot or part thereof, or the sale of space in a public mausoleum, or the furnishing by or through the cemetery corporation of any service, merchandise, wares, goods or articles. The third-party**

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

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vendor may charge a fee for a transaction made through this website, provided that a fee for all such transactions is specified in the contract and is not dependent on or related to the value of the lot, goods or services to be sold by the cemetery corporation. (5) A violation of this [~~**subdivision**~~] **paragraph** shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred dollars or not more than six months imprisonment or both. Each violation shall constitute a separate offense.

§ 2. This act shall take effect immediately.