

# STATE OF NEW YORK

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7652--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 14, 2019

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Introduced by M. of A. PAULIN, OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions -- 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 utilizing technology in cemetery lot sales

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

1 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  
2 read as follows:

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4 (a) Conveyance of lots. (1) Except as otherwise provided in this  
5 [~~subdivision~~] paragraph the right to use any lot, plot or part thereof  
6 may be sold or conveyed only by the cemetery corporation. (2) It shall  
7 be unlawful for any person, firm or corporation to purchase or for a  
8 cemetery corporation to sell a lot, plot or part thereof for the purpose  
9 of resale. This provision, however, shall not prohibit the sale to its  
10 members of lots, plots or parts thereof, or the right to use any lot,  
11 plot or part thereof, by a membership or religious corporation or unincorporated association or society which provides burial benefits for its  
12 members. (3) It shall be unlawful for a cemetery corporation to pay or  
13 offer to pay, or for any person, firm or corporation to receive, directly or indirectly, a commission, bonus, rebate or other things of value  
14 for, or in connection with, the sale of any lot, plot or part thereof,  
15 or the sale of space in a public mausoleum, or the furnishing by or  
16 through the cemetery corporation of any service, merchandise, wares,  
17 goods or articles. The provisions of this paragraph shall not apply to a  
18 person regularly employed and supervised by the cemetery corporation.

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20  
21 (4) Notwithstanding any inconsistent provision of this paragraph, and

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

LBD11567-04-0

1 subject to the provisions of section fifteen hundred sixteen of this  
2 article, a cemetery corporation may enter into a contract with a third-  
3 party vendor to create and maintain a website for the purposes of the  
4 sale of any lot, plot or part thereof, or the sale of space in a public  
5 mausoleum, or the furnishing by or through the cemetery corporation of  
6 any service, merchandise, wares, goods or articles. The third-party  
7 vendor may charge a fee for a transaction made through this website,  
8 provided that a fee for all such transactions is specified in the  
9 contract and is not dependent on or related to the value of the lot,  
10 goods or services to be sold by the cemetery corporation. (5) A  
11 violation of this [~~subdivision~~] paragraph shall constitute a misdemeanor  
12 and shall be punishable by a fine of not more than five hundred dollars  
13 or not more than six months imprisonment or both. Each violation shall  
14 constitute a separate offense.

15 § 2. This act shall take effect immediately.