

STATE OF NEW YORK

5591

2019-2020 Regular Sessions

IN SENATE

May 8, 2019

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:

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

4 (a) Conveyance of lots. (1) Except as otherwise provided in this
5 subdivision the right to use any lot, plot or part thereof may be sold
6 or conveyed only by the cemetery corporation. (2) It shall be unlawful
7 for any person, firm or corporation to purchase or for a cemetery corpo-
8 ration to sell a lot, plot or part thereof for the purpose of resale.
9 This provision, however, shall not prohibit the sale to its members of
10 lots, plots or parts thereof, or the right to use any lot, plot or part
11 thereof, by a membership or religious corporation or unincorporated
12 association or society which provides burial benefits for its members.

13 (3) It shall be unlawful for a cemetery corporation to pay or offer to
14 pay, or for any person, firm or corporation to receive, directly or
15 indirectly, a commission, bonus, rebate or other things of value for, or
16 in connection with, the sale of any lot, plot or part thereof, or the
17 sale of space in a public mausoleum, or the furnishing by or through the
18 cemetery corporation of any service, merchandise, wares, goods or arti-
19 cles. The provisions of this paragraph shall not apply to a person regu-
20 larly employed and supervised by the cemetery corporation or the use of
21 internet websites whereby a cemetery may through a contract with a
22 third-party vendor, offer such goods or services to the public for which
23 a fee for such transactions or access to such goods or services may be
24 charged. (4) A violation of this subdivision shall constitute a misde-

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

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1 meanor and shall be punishable by a fine of not more than five hundred
2 dollars or not more than six months imprisonment or both. Each violation
3 shall constitute a separate offense.
4 § 2. This act shall take effect immediately.