

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:

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~~] 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 unin-
12 corporated association or society which provides burial benefits for its
13 members. (3) It shall be unlawful for a cemetery corporation to pay or
14 offer to pay, or for any person, firm or corporation to receive, direct-
15 ly or indirectly, a commission, bonus, rebate or other things of value
16 for, or in connection with, the sale of any lot, plot or part thereof,
17 or the sale of space in a public mausoleum, or the furnishing by or
18 through the cemetery corporation of any service, merchandise, wares,
19 goods or articles. The provisions of this paragraph shall not apply to a
20 person regularly employed and supervised by the cemetery corporation.

21 (4) Notwithstanding any inconsistent provision of this paragraph, and
22 subject to the provisions of section fifteen hundred sixteen of this
23 article, a cemetery corporation may enter into a contract with a third-
24 party vendor to create and maintain a website for the purposes of the
25 sale of any lot, plot or part thereof, or the sale of space in a public
26 mausoleum, or the furnishing by or through the cemetery corporation of
27 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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1 vendor may charge a fee for a transaction made through this website,
2 provided that a fee for all such transactions is specified in the
3 contract and is not dependent on or related to the value of the lot,
4 goods or services to be sold by the cemetery corporation. (5) A
5 violation of this [~~subdivision~~] paragraph shall constitute a misdemeanor
6 and shall be punishable by a fine of not more than five hundred dollars
7 or not more than six months imprisonment or both. Each violation shall
8 constitute a separate offense.
9 § 2. This act shall take effect immediately.