

STATE OF NEW YORK

904

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the not-for-profit corporation law, in relation to cemetery disclosure forms

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

1 Section 1. Paragraph (o) of section 1510 of the not-for-profit corpo-
2 ration law, as added by a chapter of the laws of 2020 amending the not-
3 for-profit corporation law relating to creating a cemetery disclosure
4 form, as proposed in legislative bills numbers S.4284-A and A.3429-A, is
5 amended to read as follows:

6 (o) Posting and distribution of the New York state cemetery disclosure
7 form. (1) [A] New York state cemetery disclosure [~~form~~] forms shall be
8 created [~~and produced~~] by the state cemetery board and shall be
9 [~~conspicuously~~] posted [~~by any cemetery corporation as such term is~~
10 ~~defined in section fifteen hundred two of this article in each of its~~
11 ~~offices if any. A copy of such form shall be provided by the cemetery~~
12 ~~corporation to any person arranging for an interment or purchasing~~
13 ~~interment rights or any other goods or services offered by the cemetery.~~
14 ~~Additionally, the New York state cemetery disclosure form shall be post-~~
15 ~~ed on the web site of the department of state's division of cemeteries]~~
16 on the website of the division of cemeteries in the department of state.
17 Copies of such forms shall be suitably printed by the cemetery corpo-
18 ration and conspicuously displayed in each of its offices, if any, so
19 that all persons visiting such place may readily see the form and
20 inspect its contents. Physical copies of the forms shall be made avail-
21 able to any person inquiring about cemetery lots, goods, or services. A
22 corporation may offer a customer the option of receiving the forms
23 through the use of a quick response (QR) code in lieu of receiving a
24 paper copy.

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

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1 (2) The New York state cemetery disclosure [~~form~~] forms shall be in
2 the form and manner as prescribed by the state cemetery board, shall
3 include the contact information of the New York department of state
4 division of cemeteries, and [~~include~~] shall contain an explanation of
5 the rights of lot owners and family members including, but not be limit-
6 ed to, the following:

7 (A) [~~a description of and~~] a website address, and a hyperlink in the
8 case of electronic copies, for information about the regulation of ceme-
9 teries in New York, the New York department of state division of ceme-
10 teries and the state cemetery board, and a description of those types of
11 cemeteries that are not regulated by the state cemetery board;

12 (B) [~~a description of~~] the process of purchasing and re-selling a
13 burial lot, plot or part thereof;

14 (C) [~~a description of~~] the right to interment and disposition options;

15 (D) [~~a description of~~] inheritance rights of a burial lot, plot or
16 part thereof;

17 (E) a listing of reasons that interment may be denied;

18 (F) [~~options regarding how remains may be disposed,~~

19 ~~(G) a description of~~] the requirements in regards to the use of outer
20 enclosures;

21 [~~(H) a description of cemetery fees and services, and~~] (G) the rights
22 of lot owners as members of the cemetery corporation;

23 [~~(I)~~] (H) cemeteries' duties regarding charges, prices, rules, and
24 regulations;

25 (I) the right to make burial arrangements and provide for memorializa-
26 tion; and

27 (J) any other information deemed [necessary] appropriate.

28 (3) The state cemetery board may, from time to time, update and amend
29 the New York state cemetery disclosure form as it deems necessary.

30 § 2. Paragraph (a) of section 1510 of the not-for-profit corporation
31 law, as amended by chapter 254 of the laws of 2006, is amended to read
32 as follows:

33 (a) Posting and distribution of rules, regulations, charges and pric-
34 es. The rules, regulations, charges, and prices of goods, lots, plots
35 or parts thereof shall be suitably printed and shall be conspicuously
36 posted by the corporation in each of its offices, if any, and conspicu-
37 ously displayed on any website the corporation maintains or through
38 which it conducts business. A printed copy of charges and prices of
39 goods, lots, plots or parts thereof shall be made available upon request
40 by any person for up to the actual price of the printing of the copy.
41 For each day in which the corporation fails to post or display the
42 rules, regulations, charges and prices the corporation shall be subject
43 to a penalty of twenty-five dollars which may be recovered in a civil
44 action by the cemetery board. For each instance in which the corporation
45 fails to make available a copy of the prices of goods, lots, plots, or
46 parts thereof, to a person who [~~request~~] requests such copy, the corpo-
47 ration shall be subject to a penalty of twenty-five dollars which may be
48 recovered in a civil action by the cemetery board. The cemetery board
49 may waive the payment of the penalty or any part thereof.

50 § 3. This act shall take effect on the same date and in the same
51 manner as a chapter of the laws of 2020 amending the not-for-profit
52 corporation law relating to creating a cemetery disclosure form, as
53 proposed in legislative bills numbers S.4284-A and A.3429-A, takes
54 effect.