

SENATE BILL No. 885

October 6, 2009, Introduced by Senator VAN WOERKOM and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
(MCL 700.1101 to 700.8102) by adding section 3210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3210. (1) AN INDIVIDUAL MAY, IN A WRITING SIGNED AND
2 DATED BY THE INDIVIDUAL, DIRECT THE FUNERAL ARRANGEMENTS TO BE
3 PROVIDED AFTER HIS OR HER DEATH AND THE HANDLING AND DISPOSITION OF
4 HIS OR HER REMAINS. THE PERSON WHO HAS THE RIGHTS AND POWERS TO
5 MAKE DECISIONS REGARDING THE FUNERAL ARRANGEMENTS AND THE HANDLING
6 AND DISPOSITION OF THE REMAINS UNDER SECTIONS 3206 TO 3208 SHALL
7 MATERIALLY FOLLOW THE DIRECTIONS TO THE EXTENT ALLOWED BY LAW, IF
8 BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

9 (A) THE DIRECTIONS ARE SUFFICIENTLY CLEAR, COMPLETE, AND
10 DETAILED SO AS TO NOT PRESENT ANY MATERIAL AMBIGUITY.

11 (B) ARRANGEMENTS HAVE BEEN MADE TO PAY FOR THE DIRECTED

1 FUNERAL ARRANGEMENTS AND HANDLING AND DISPOSITION OF THE REMAINS
2 THROUGH A TRUST, INSURANCE, A COMMITMENT BY ANOTHER PERSON, OR
3 OTHER EFFECTIVE AND BINDING MEANS.

4 (2) IF AN INDIVIDUAL WHO MAKES A WRITING DESCRIBED IN
5 SUBSECTION (1) LATER MAKES ANOTHER WRITING THAT MEETS THE
6 REQUIREMENTS OF SUBSECTION (1) AND THAT CONTAINS DIRECTIONS
7 CONTRARY TO THE DIRECTIONS IN THE EARLIER WRITING, THE LATER
8 WRITING PREVAILS.

9 (3) IF THE ARRANGEMENTS TO PAY DESCRIBED IN SUBSECTION (1) (B)
10 WILL NOT COMPLETELY PAY FOR THE DIRECTED FUNERAL ARRANGEMENTS AND
11 HANDLING AND DISPOSITION OF THE REMAINS, THE DIRECTIONS FOR WHICH
12 ARRANGEMENTS TO PAY HAVE NOT BEEN MADE SHALL BE CARRIED OUT ONLY TO
13 THE EXTENT THAT THE DECEDENT'S ESTATE HAS SUFFICIENT ASSETS TO PAY
14 OR THE PERSON THAT OTHERWISE HAS THE RIGHTS AND POWERS TO MAKE
15 DECISIONS REGARDING THE FUNERAL ARRANGEMENTS AND THE HANDLING AND
16 DISPOSITION OF THE REMAINS UNDER SECTIONS 3206 TO 3208 AGREES TO
17 PAY.

18 (4) IF DIRECTIONS DESCRIBED IN SUBSECTION (1) ARE CONTAINED IN
19 THE INDIVIDUAL'S WILL, THE DIRECTIONS SHALL BE FOLLOWED IMMEDIATELY
20 ON THE INDIVIDUAL'S DEATH, REGARDLESS OF WHETHER THE WILL IS VALID
21 IN OTHER RESPECTS OR HAS BEEN OFFERED FOR OR ADMITTED TO PROBATE.