

HOUSE BILL No. 5440

February 28, 2012, Introduced by Rep. Lori and referred to the Committee on Regulatory Reform.

A bill to amend 1968 PA 251, entitled
"Cemetery regulation act,"
(MCL 456.521 to 456.543) by adding section 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17. (1) THE OWNER OR OPERATOR OF A CEMETERY MAY TERMINATE
2 THE BURIAL, COLUMBARIUM, OR ENTOMBMENT RIGHT TO A SPACE ONLY IF
3 BOTH OF THE FOLLOWING CONDITIONS ARE MET RELATING TO THAT BURIAL,
4 COLUMBARIUM, OR ENTOMBMENT SPACE:

5 (A) A PERIOD OF TIME OF NOT LESS THAN 50 YEARS HAS ELAPSED
6 FROM THE DATE OF THE LAST RECORDED CONTACT WITH THE CUSTOMER,
7 INCLUDING THE PURCHASE, TRANSFER, DESIGNATION, BURIAL, INSTALLATION
8 OF MEMORIAL, PAYMENT ON ACCOUNT, OR LETTER FROM THE CUSTOMER
9 AFFIRMING OWNERSHIP.

1 (B) THE NOTICE REQUIREMENTS OF SUBSECTIONS (2) AND (3) HAVE
2 BEEN MET.

3 (2) THE OWNER OR OPERATOR OF A CEMETERY SEEKING TERMINATION OF
4 THE BURIAL, COLUMBARIUM, OR ENTOMBMENT RIGHT TO A SPACE SHALL SEND
5 A WRITTEN NOTICE OF THE INTENTION TO TERMINATE THE BURIAL,
6 COLUMBARIUM, OR ENTOMBMENT RIGHT TO A SPACE. THE NOTICE SHALL BE
7 SENT TO THE LAST KNOWN ADDRESS OF THE OWNER OR THE OWNER'S
8 REPRESENTATIVE, IF KNOWN, AS LISTED IN THE RECORDS OF THE CEMETERY.
9 THE NOTICE SHALL BE SENT BY CERTIFIED MAIL WITH RETURN RECEIPT
10 REQUESTED.

11 (3) IF THE CEMETERY OWNER OR OPERATOR HAS NOT RECEIVED A
12 RESPONSE FROM THE OWNER OR THE OWNER'S REPRESENTATIVE WITHIN 60
13 DAYS AFTER THE NOTICE WAS SENT IN THE MANNER DESCRIBED IN
14 SUBSECTION (2), THE CEMETERY OWNER OR OPERATOR SHALL ADVERTISE IN A
15 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF THE OWNER'S LAST
16 KNOWN ADDRESS SEEKING INFORMATION REGARDING THE OWNER'S CURRENT
17 ADDRESS.

18 (4) AFTER THE OWNER OR OPERATOR OF THE CEMETERY HAS COMPLIED
19 WITH THE NOTICE REQUIREMENTS OF SUBSECTIONS (2) AND (3), AND IF NO
20 WRITTEN RESPONSE IS RECEIVED BY THE OWNER OR OPERATOR OF THE
21 CEMETERY, THE RIGHTS TO THE BURIAL, COLUMBARIUM, OR ENTOMBMENT
22 SPACE ARE TERMINATED UPON THE EXPIRATION OF 60 DAYS AFTER THE DATE
23 THE PUBLICATION NOTICE OCCURS.

24 (5) IF THE OWNER OR OPERATOR OF A CEMETERY RECEIVES A WRITTEN
25 RESPONSE FROM AN OWNER OR THE OWNER'S REPRESENTATIVE AFTER NOTICE
26 IS GIVEN UNDER SUBSECTION (2) OR (3), OR BOTH, WITHIN THE TIME
27 PERIODS PRESCRIBED IN THOSE SUBSECTIONS, AND THE OWNER OR THE

1 OWNER'S REPRESENTATIVE INDICATES AN INTENT TO RETAIN OWNERSHIP
2 RIGHTS, THE RIGHTS TO THE BURIAL, COLUMBARIUM, OR ENTOMBMENT SPACE
3 SHALL NOT BE TERMINATED. IF THE OWNER OR THE OWNER'S REPRESENTATIVE
4 OF THE SPACE DESIRES TO TERMINATE THE OWNERSHIP RIGHTS OF THE
5 BURIAL, COLUMBARIUM, OR ENTOMBMENT SPACE, THE OWNER OR OWNER'S
6 REPRESENTATIVE MAY SELL THE SPACE TO THE CEMETERY FOR AN AMOUNT AS
7 AGREED TO BY THE PARTIES.

8 (6) IF THE OWNER OR THE OWNER'S REPRESENTATIVE CONTACTS THE
9 OWNER OR OPERATOR OF THE CEMETERY AFTER THE RIGHTS TO THE BURIAL,
10 COLUMBARIUM, OR ENTOMBMENT SPACE ARE TERMINATED, THE OWNER OR THE
11 OWNER'S REPRESENTATIVE MAY DO 1 OF THE FOLLOWING:

12 (A) IF THE SPACE HAS NOT BEEN RESOLD, REQUEST REINSTATEMENT,
13 AT NO ADDITIONAL COST, OF THE BURIAL, COLUMBARIUM, OR ENTOMBMENT
14 RIGHTS TO THE SPACE IF HE OR SHE INDICATES IN WRITING THE INTENTION
15 TO KEEP THE ORIGINAL SPACE. UNDER SUCH CIRCUMSTANCES, THE RIGHTS
16 SHALL BE REINSTATED.

17 (B) IF THE ORIGINAL SPACE HAS BEEN SOLD, THE OWNER OR OPERATOR
18 OF THE CEMETERY MAY, AT HIS OR HER OPTION, PAY THE CURRENT RETAIL
19 VALUE OF THE SPACE, NICHE, OR MAUSOLEUM TO THE OWNER OR THE OWNER'S
20 REPRESENTATIVE OR GIVE THE OWNER OR THE OWNER'S REPRESENTATIVE A
21 SPACE OF COMPARABLE VALUE.

22 (7) ANY CONTRACT OR AGREEMENT ENTERED INTO ON OR AFTER THE
23 EFFECTIVE DATE OF THIS SECTION SHALL CONTAIN A WRITTEN NOTICE OF
24 THE RIGHT OF THE CEMETERY TO TERMINATE THE OWNERSHIP RIGHTS OF THE
25 BURIAL, COLUMBARIUM, OR ENTOMBMENT SPACE AS PROVIDED FOR IN THIS
26 SECTION.

27 Enacting section 1. This amendatory act takes effect January

1 1, 2012.