



Senate Fiscal Agency
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House Bill 4890 (Substitute S-2 as reported)
Sponsor: Representative Edward McBroom
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform

CONTENT

The bill would amend the Cemetery Regulation Act to do the following:

- Create a presumption that a cemetery space was abandoned if the person possessing a right to it had not, after 60 years, provided an updated address and affirmed possession of the right to the space by taking certain actions; a memorial had not been installed; and remains had not been interred.
- Allow a cemetery owner or operator to certify the right to a space that was presumed abandoned, if it posted a notice on the space for 120 days, mailed a notice to the person possessing the right, and, under certain circumstances, published a notice.
- Provide that a right to a space would be certified as abandoned if, after satisfying the notice requirements, the cemetery owner or operator created and maintained certain records.
- Specify limited remedies of a person asserting contractual rights to an abandoned space, after a record was created.
- Allow a person possessing a right to a space, after receiving notice, to transfer the right back to the cemetery owner or operator for an agreed upon amount.
- Require a contract for the sale of a right to a space to contain a notice of the presumption of abandonment.
- Allow a cemetery owner or operator to publish on the internet a notice of intent to certify a right to a space as abandoned.

The bill would not apply if any of the following applied: an inscribed memorial was located on the space; the space adjoined an inscribed memorial and that side of the memorial displayed a family surname, and the space was purchased with the space on which the inscribed memorial was located; or the space immediately adjoined both an inscribed memorial and a space that was purchased with the right to a space and included interred remains. "Right to a space" would mean the privilege, license, or right of interment in a space in a cemetery.

The bill would take effect on January 1, 2015.

Proposed MCL 456.537

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-23-14

Fiscal Analyst: Josh Sefton