

CHAPTER 26

AN ACT concerning the management and operation of cemeteries by certain entities and amending and supplementing P.L.2003, c.261.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:27-7.1 Certificate of authority to provide management services for a cemetery, issuance to certain for-profit entities.

1. a. A for-profit corporation, partnership, association or other private entity that managed or operated a cemetery in this State prior to January 14, 2004, shall be issued a certificate of authority to manage or operate a cemetery by the New Jersey Cemetery Board and may continue to manage or operate that cemetery on or after that date, notwithstanding its for-profit status and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A for-profit corporation, partnership, association or other private entity that managed or operated more than one cemetery in this State prior to January 14, 2004, shall be issued one certificate of authority pursuant to this subsection covering all such cemeteries.

b. On or after the effective date of this section, a for-profit corporation, partnership, association, or other private entity may, notwithstanding its for-profit status, apply to the board for, and may be granted, a certificate of authority to provide management services for a cemetery in this State and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.).

2. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to read as follows:

C.45:27-13 Capital required for issuance of certificate of authority; fees and charges.

13. a. As a condition for the issuance of its certificate of authority to operate a cemetery, a cemetery company established after December 1, 1971 shall make an initial deposit of \$75,000 to its Maintenance and Preservation Fund. A cemetery company that operates or seeks to operate only a crematory shall not be required to make the \$75,000 initial trust fund deposit. A for-profit corporation, partnership, association or other private entity managing or operating a cemetery company pursuant to a certificate of authority granted under section 1 of P.L.2006, c.26 (C.45:27-7.1) shall not be required to make that initial deposit of \$75,000 to its Maintenance and Preservation Fund; however the cemetery company and the for-profit corporation, partnership, association or other private entity shall be jointly and severally liable for the maintenance and use of that Maintenance and Preservation Fund.

b. A cemetery company established before December 1, 1971 shall transfer into the Maintenance and Preservation Fund any funds established for the maintenance and preservation of the cemetery and any additional amount set by the board.

c. A cemetery company shall collect and pay into the Maintenance and Preservation Fund the following fees and charges:

- (1) on the initial sale by a cemetery company of each grave, 15% of the gross sales price;
- (2) 10% of the initial sales price of a crypt or niche in a public mausoleum or columbarium;
- (3) on bulk sales of graves, 15% of the current retail gross sale price of comparable graves;
- (4) on bulk sales of crypts or niches, 10% of the current retail gross sale price of comparable crypts or niches;
- (5) on transfer of a grave, 15% of the current gross sales price of equivalent graves, less

any amounts previously paid to the Maintenance and Preservation Fund on sales of that grave;

(6) on transfer of a crypt or niche, 15% of the current gross sales price of equivalent crypts or niches, less any amounts previously paid to the Maintenance and Preservation Fund on sales of that crypt or niche;

(7) for each interment or for the placement of cremated human remains, 3% of the charge for the interment or placement or \$20, whichever is more;

(8) for a foundation, base or installation, 10% of the charge for the foundation, base or installation, or \$20, whichever is more.

For the purposes of paragraphs (5) and (6) of this subsection, "transfer" shall not include sales to the cemetery company or to the next of kin.

d. Monies required to be deposited into the Maintenance and Preservation Fund shall be paid to the fund on a monthly basis. Such deposits shall be made by the last day of the month following the month in which the monies were received. In the event of an installment sale of a grave, crypt or niche, the cemetery company may make the required deposit at the time the deed is issued or when the payments are received.

e. A cemetery company may make additional payments or accept contributions into the Maintenance and Preservation Fund.

3. This act shall take effect immediately.

Approved June 22, 2006.