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**CEMETERY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Ryan D. Wilcox

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**LONG TITLE**

**General Description:**

This bill enacts language related to a cemetery.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to the recordation of a cemetery plat;
- ▶ requires an executive officer or an individual owner of a cemetery:
  - to provide a purchaser of a lot or burial right a certificate of a burial right ~~and~~ **record that certificate** ; and
  - to file with the county recorder a transcript of a deed, certificate of sale, or evidence of burial rights;
- ▶ requires a person that controls a cemetery to adopt certain policies and procedures and establish a record keeping system;
- ▶ amends provisions governing a cemetery maintenance district; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **8-3-1**, as last amended by Laws of Utah 2010, Chapter 378

29 **8-3-2**, Utah Code Annotated 1953

30 **8-3-3**, Utah Code Annotated 1953

31 **17B-2a-102**, as enacted by Laws of Utah 2007, Chapter 329

32 ENACTS:

33 **8-6-1**, Utah Code Annotated 1953

34 **8-6-2**, Utah Code Annotated 1953

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **8-3-1** is amended to read:

38 **8-3-1. Plats of cemeteries shall be recorded.**

39 [~~The executive officers of organizations and all individual owners in control of~~  
40 ~~cemeteries]~~

41 (1) An executive officer of an organization in control of a cemetery, including a  
42 municipality or a cemetery maintenance district, or an individual owner in control of a  
43 cemetery, offering burial lots for sale in any county, shall file and cause to be recorded in the  
44 office of the county recorder of the county within which [~~such cemeteries are~~] the respective  
45 cemetery is situated an accurate plat [~~thereof, which~~] of the cemetery.

46 (2) The plat required under Subsection (1) shall clearly show:

47 (a) the sections of burial lots which have been disposed of and the names of the  
48 persons owning or holding [~~the same;~~] each burial lot; and

49 (b) the sections of burial lots held for disposal[~~; and thereafter such~~].

50 (3) An executive [~~officers or owners~~] officer or owner shall file additional plats of any  
51 [~~additions to such cemeteries~~] addition to a cemetery before offering for sale any burial lots  
52 [~~therein~~] located in the cemetery.

53 (4) [~~County recorders~~] A county recorder may not collect any [~~fees~~] fee for filing and  
54 recording [~~such~~] an original [~~plats~~] plat required under this section.

55 Section 2. Section **8-3-2** is amended to read:

56 **8-3-2. Burial rights -- Certificates.**

57 [~~Every purchaser of a lot or burial right therein shall be furnished by such executive~~  
58 ~~officers or individual owners]~~



90 business, including policies and procedures for the following:

91 (a) setting of prices and other charges for services;

92 (b) sale of burial rights;

93 (c) regulation of headstones;

94 (d) care of headstones;

95 (e) regulation of flowers, shrubs, or other foliage placed or planted on an individual

96 burial site; and

97 (f) compliance with provisions of this title and other governing provisions of law; and

98 (2) establish a record keeping system, including a secure backup of those records that is

99 regularly updated.

100 Section 6. Section **17B-2a-102** is amended to read:

101 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

102 (1) Each cemetery maintenance district is governed by and has the powers stated in:

103 (a) this part; and

104 (b) Chapter 1, Provisions Applicable to All Local Districts.

105 (2) This part applies only to cemetery maintenance districts.

106 (3) A cemetery maintenance district is not subject to the provisions of any other part of  
107 this chapter.

108 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All  
109 Local Districts, and a provision in this part, the provision in this part governs.

110 (5) A cemetery maintenance district shall comply with the applicable provisions of  
111 Title 8, Cemeteries.

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**Legislative Review Note**  
as of 1-16-14 9:44 AM

**Office of Legislative Research and General Counsel**