

SECOND REGULAR SESSION

HOUSE BILL NO. 1306

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAY (Sponsor), WRIGHT, NORR, SANDER, WETER,
WELLS AND WHORTON (Co-sponsors).

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3154L.01I

AN ACT

To repeal section 214.320, RSMo, and to enact in lieu thereof one new section relating to the
endowed care fund.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 214.320, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 214.320, to read as follows:

214.320. 1. An operator of an endowed care cemetery shall establish and deposit in an
2 endowed care fund not less than the following amounts for burial space sold or disposed of, with
3 such deposits to the endowed care fund to be made semiannually on all burial space that has been
4 fully paid for to the date of deposit:

5 (1) A minimum of [fifteen] **nineteen** percent of the gross sales price, or twenty dollars,
6 whichever is greater, for each grave space sold;

7 (2) A minimum of ten percent of the gross sales price of each crypt or niche sold in a
8 community mausoleum, or a minimum of one hundred dollars for each crypt or ten dollars for
9 each niche sold in a garden mausoleum;

10 (3) A minimum of seventy-five dollars per grave space for each lawn crypt sold.

11 2. Notwithstanding the provisions of subdivision (2) of subsection 1 of this section, a
12 cemetery operator who has made the initial deposit in trust as required by sections 214.270 to
13 214.410 from his own funds, and not from funds deposited with respect to sales of burial space,
14 may deposit only one-half the minimum amounts set forth in subdivisions (1) and (2) of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 subsection 1 of this section, until he shall have recouped his entire initial deposit. Thereafter,
16 he shall make the minimum deposits required under subdivisions (1), (2) and (3) of subsection
17 1 of this section.

18 3. Each operator of an endowed care cemetery shall, after August 28, 1990, file with the
19 division of professional registration, on a form provided by the division, an annual endowed care
20 trust fund report. The operator of any cemetery representing the cemetery, or any portion of the
21 cemetery, as an endowed care cemetery shall make available to the division for inspection or
22 audit at any reasonable time only those cemetery records and trust fund records necessary to
23 determine whether the cemetery's endowed care fund is in compliance with sections 214.270 to
24 214.410. Each cemetery operator who has established a segregated account pursuant to section
25 214.385 shall make available to the division for inspection or audit at any reasonable time those
26 cemetery records and financial institution records necessary to determine whether the cemetery
27 operator is in compliance with the provisions of section 214.385. All documents, records, and
28 work product from any inspections or audits performed by or at the direction of the division shall
29 remain in the possession of the division of professional registration and shall not be sent to the
30 state board of embalmers and funeral directors. No charge shall be made for such inspections
31 or audits.

32 4. If any endowed care cemetery operator conducts the trust fund accounting and record
33 keeping outside of this state, then such operator shall maintain current and accurate copies of
34 such accounting and record keeping within this state and such copies shall be readily available
35 to the division for inspection or audit purposes.

36 5. No cemetery operator shall operate or represent to the public by any title, description,
37 or similar terms that a cemetery provides endowed care unless the cemetery is in compliance
38 with the provisions of sections 214.270 to 214.410.

39 **6. In counties declared to be disaster areas by this state or the federal government,**
40 **a cemetery operator of an endowed care cemetery shall be allowed to withdraw up to**
41 **twenty percent from the endowed care fund for cleanup of such operator's cemetery due**
42 **to acts of God or weather events. All moneys borrowed shall come from the portion of the**
43 **fund which is considered principal, not from moneys earned as interest. During the period**
44 **of fund repayment, there shall be no increase in the cost and maintenance of burial space.**

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