

SECOND REGULAR SESSION

# HOUSE BILL NO. 2107

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAY (Sponsor), CASEY, WRIGHT, MEADOWS, STREAM, DOUGHERTY, DENISON, ROORDA, NIEVES, RUESTMAN, DARROUGH, BIVINS, HUGHES, GRISAMORE, RUCKER, FISHER, FLOOK, AVERY, POLLOCK, FUNDERBURK, KELLY, NORR, WILSON (130), SANDER, SCHIEFFER, MOORE, SALVA AND DUSENBERG (Co-sponsors).

Read 1st time February 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4986L.011

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### AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

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

Section A. Chapter 194, RSMo, is amended by adding thereto one new section, to be known as section 194.355, to read as follows:

**194.355. 1. As used in this section the following terms shall mean:**

**(1) "Funeral establishment", as defined in section 333.011, RSMo, a funeral home, a funeral director, an embalmer, or an employee of any of the individuals or entities;**

**(2) "Veterans' service organization", an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States congress, including the disabled American veterans, veterans of foreign wars, the American legion, the legion of honor, the patriot guard, the missing in America project, and the Vietnam veterans of America. The term includes a member or employee of any of those associations or entities.**

**2. A funeral establishment is not liable for simple negligence in the disposition of the human remains or cremated remains of a veteran to a veterans' service organization for the purposes of internment by that organization if:**

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.

13           (1) The remains have been in the possession of the funeral establishment for a  
14 period of at least three years, all or any part of which period may occur or may have  
15 occurred before or after August 28, 2008;

16           (2) The funeral establishment has given notice, as provided in subdivision (1) or (2)  
17 of subsection 3 of this section, to the person entitled to the remains under section 194.350  
18 of the matters provided in subsection 4 of this section; and

19           (3) The remains have not been claimed by the person entitled to the remains under  
20 section 194.350 within the period of time provided for in subsection 4 of this section  
21 following notice to the person entitled to the remains under section 194.350.

22           3. In order for the immunity provided in subsection 2 of this section to apply, a  
23 funeral establishment shall take the following action, alone or in conjunction with a  
24 veterans' service organization, to provide notice to the person entitled to the remains under  
25 section 194.350:

26           (1) Give written notice by mail to the person entitled to the remains under section  
27 194.350 for whom the address of the person entitled to the remains under section 194.350  
28 is known or can reasonably be ascertained by the funeral establishment giving the notice;  
29 or

30           (2) If the address of the person entitled to the remains under section 194.350 is not  
31 known or cannot reasonably be ascertained, give notice to the person entitled to the  
32 remains under section 194.350 by publication once each week for three successive weeks  
33 in a newspaper of general circulation:

34           (a) In the county of the veterans' residence; or

35           (b) If the residence of the veteran is unknown, in the county in which the veteran  
36 died; or

37           (c) If the county in which the veteran died is unknown, in the county in which the  
38 funeral establishment giving notice is located.

39           4. The notice required by subsection 3 of this section must include a statement to  
40 the effect that the remains of the veteran must be claimed by the person entitled to the  
41 remains under section 194.350 within thirty days after the date of mailing of the written  
42 notice provided for in subdivision (1) of subsection 3 of this section or within four months  
43 of the date of the first publication of the notice provided for in subdivision (2) of subsection  
44 3 of this section, as applicable, and that if the remains are not claimed, the remains may  
45 be given to a veterans' service organization for internment.

46           5. A veterans' service organization receiving human remains or cremated remains  
47 of a veteran from a funeral establishment for the purposes of internment is not liable for  
48 simple negligence in the custody or internment of the remains if the veterans' service

49 organization interments and does not scatter the remains and does not know and has no reason  
50 to know that the remains do not satisfy the requirements of subdivision (1) or (2) of  
51 subsection 3 of this section, as applicable.

52         **6. By accepting the remains of a veteran for internment, a veterans' service**  
53 **organization does not agree to pay storage or other charges applied by the funeral**  
54 **establishment for the keeping or preservation of the remains.**

55         **7. A veterans' service organization accepting remains under this section shall take**  
56 **all reasonable steps to inter the remains in a veterans' cemetery. However, the**  
57 **organization is not liable for any additional expense for internment in a veterans' cemetery**  
58 **and internment in a veterans' cemetery is not a condition for immunity under this section.**

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