

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 299

Short Title: Perpetual Care of Certain Cemeteries. (Public)

Sponsors: Representatives Penny and Wheatley (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 8, 2023

A BILL TO BE ENTITLED

AN ACT DEFINING CARE AND MAINTENANCE OF CEMETERIES LICENSED BY THE CEMETERY COMMISSION, AUTHORIZING THE CEMETERY COMMISSION TO PROMULGATE MINIMUM STANDARDS FOR THE CARE AND MAINTENANCE OF CEMETERIES AND IMPOSE PENALTIES FOR VIOLATIONS OF THOSE STANDARDS, AND REQUIRING ANNUAL FINANCIAL REPORTS TO INCLUDE DETAILS OF THE CARE AND MAINTENANCE PERFORMED AT CEMETERIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 65-48 is amended by adding a new subdivision to read:

"(2a) "Care and maintenance" means all general work necessary to keep the cemetery property in a presentable condition at all times, including the cutting of grass at reasonable intervals; the raking, cleaning, filling, seeding, and sodding of graves; the replacement, pruning, or removal of shrubs and trees in order to assure access to interment rights; and the repair and maintenance of enclosures, buildings, drives, walks, and the various memorial gardens."

SECTION 2. G.S. 65-53 reads as rewritten:

"§ 65-53. Powers.

In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

...

(7a) To promulgate rules and regulations establishing minimum standards for the care and maintenance of cemeteries. The rules and regulations shall provide that if, after an investigation conducted as authorized by subdivision (3) of this section, the licensee is found in violation of the minimum standards for care and maintenance, the Commission may, in addition to revoking or suspending the license of the licensee, as authorized by subdivision (3) of this section, impose a civil penalty of fifty dollars (\$50.00) to be recovered in a civil action in the nature of debt if the licensee does not pay the penalty within a prescribed period of time which shall not exceed 30 days. Each day's continuing violation shall be a separate and distinct offense; provided, however, before a penalty may be imposed under this subdivision, the Commission shall give the licensee at least 10 days' notice in writing stating the alleged violation of the minimum standards for care and maintenance and giving the licensee an opportunity within the 20-day period following the



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1 issuance of the notice to cure the violation. The clear proceeds of civil
2 penalties imposed pursuant to this subdivision shall be remitted to the Civil
3 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

4 "

5 **SECTION 3.** G.S. 65-65 reads as rewritten:

6 "**§ 65-65. Trust fund; financial reports.**~~reports~~ **include care and maintenance performed.**

7 Within 60 days after the end of the calendar or fiscal year of the cemetery company, the
8 trustee shall furnish adequate financial reports with respect to the care fund along with the details
9 of the care and maintenance work performed on forms provided by the Commission. However,
10 the Commission may require the trustee to make such additional financial reports as it may deem
11 advisable."

12 **SECTION 4.** This act is effective when it becomes law.