

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 299
Mar 7, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40164-LGf-41

Short Title: Perpetual Care of Certain Cemeteries.

(Public)

Sponsors: Representative Penny.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DEFINING CARE AND MAINTENANCE OF CEMETERIES LICENSED BY THE
3 CEMETERY COMMISSION, AUTHORIZING THE CEMETERY COMMISSION TO
4 PROMULGATE MINIMUM STANDARDS FOR THE CARE AND MAINTENANCE OF
5 CEMETERIES AND IMPOSE PENALTIES FOR VIOLATIONS OF THOSE
6 STANDARDS, AND REQUIRING ANNUAL FINANCIAL REPORTS TO INCLUDE
7 DETAILS OF THE CARE AND MAINTENANCE PERFORMED AT CEMETERIES.

8 The General Assembly of North Carolina enacts:

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

10 "(2a) "Care and maintenance" means all general work necessary to keep the
11 cemetery property in a presentable condition at all times, including the cutting
12 of grass at reasonable intervals; the raking, cleaning, filling, seeding, and
13 sodding of graves; the replacement, pruning, or removal of shrubs and trees
14 in order to assure access to interment rights; and the repair and maintenance
15 of enclosures, buildings, drives, walks, and the various memorial gardens."

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

17 "§ 65-53. Powers.

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

20 ...

21 (7a) To promulgate rules and regulations establishing minimum standards for the
22 care and maintenance of cemeteries. The rules and regulations shall provide
23 that if, after an investigation conducted as authorized by subdivision (3) of
24 this section, the licensee is found in violation of the minimum standards for
25 care and maintenance, the Commission may, in addition to revoking or
26 suspending the license of the licensee, as authorized by subdivision (3) of this
27 section, impose a civil penalty of fifty dollars (\$50.00) to be recovered in a
28 civil action in the nature of debt if the licensee does not pay the penalty within
29 a prescribed period of time which shall not exceed 30 days. Each day's
30 continuing violation shall be a separate and distinct offense; provided,
31 however, before a penalty may be imposed under this subdivision, the
32 Commission shall give the licensee at least 10 days' notice in writing stating
33 the alleged violation of the minimum standards for care and maintenance and
34 giving the licensee an opportunity within the 20-day period following the
35 issuance of the notice to cure the violation. The clear proceeds of civil



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1 penalties imposed pursuant to this subdivision shall be remitted to the Civil
2 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

3"

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

5 **"§ 65-65. Trust fund; financial ~~reports~~reports include care and maintenance performed.**

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

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