

**EHB 2504**

**THE STATE SENATE**  
**Wednesday, March 31, 2004**

**ENGROSSED**

**House Bill No. 2504**

**As Amended**

ENGROSSED HOUSE BILL NO. 2504 - By: MADDUX of the House and LAUGHLIN of the Senate.

An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 188 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. After a period of seventy-five (75) years since the last recorded activity on a burial space, as defined by the Perpetual Care Fund Act, and after a reasonable search for heirs and beneficiaries, an unused burial site shall be abandoned and the right of ownership in the burial site shall revert to the private or public cemetery, after the cemetery has met the requirements of this section.

B. 1. A reasonable search for heirs and beneficiaries pursuant to this section shall include:

1           a.    sending a certified letter of notice by the entity  
2                   responsible for the cemetery to the last-known address  
3                   of the record property owner; however, if no address  
4                   is available, then no letter shall be required, and  
5           b.    publishing a copy of the description of the abandoned  
6                   burial space in a newspaper qualified to publish  
7                   public notices pursuant to Section 106 of Title 25 of  
8                   the Oklahoma Statutes in the county of the last-known  
9                   address of the record owner for three (3) weeks;  
10                  however, if no address is available, then publication  
11                  shall take place in the county where the burial space  
12                  is located.

13           2.    If no person proves ownership of the burial space within one  
14                  (1) year after the publication, the burial space shall be deemed  
15                  abandoned for purposes of this section.

16           C.    Any person with a legitimate claim to a burial space that  
17                  has been deemed abandoned pursuant to this section and has been used  
18                  or sold by the private or public cemetery shall have the claim  
19                  settled by receiving **without charge** an equal burial space in an  
20                  equivalent location as the burial space that reverted to the private  
21                  or public cemetery.

22           SECTION 2. This act shall become effective November 1, 2004.

23           COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-29-04 -  
24           DO PASS, As Amended.