

EHB 2499

THE STATE SENATE
Thursday, March 23, 2006

ENGROSSED

House Bill No. 2499

As Amended

ENGROSSED HOUSE BILL NO. 2499 - By: HICKMAN, SHERRER, SMITHSON and BRANNON of the House and LAUGHLIN and CAPPS 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 **and the sending**
2 **of notice by regular mail** by the entity responsible
3 for the cemetery to the last-known address of the
4 record property owner; however, if no address is
5 available, then no letter shall be required, and
6 b. publishing a copy of the description of the abandoned
7 burial space in a newspaper qualified to publish
8 public notices pursuant to Section 106 of Title 25 of
9 the Oklahoma Statutes in the county of the last-known
10 address of the record owner for three (3) weeks;
11 however, if no address is available, then publication
12 shall take place in the county where the burial space
13 is located.

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

17 C. Any person with a legitimate claim to a burial space that
18 has been deemed abandoned pursuant to this section and has been used
19 or sold by the private or public cemetery shall have the claim
20 settled by receiving an equal burial space in an equivalent location
21 as the burial space that reverted to the private or public cemetery.

22 SECTION 2. This act shall become effective November 1, 2006.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-21-06 - DO
24 PASS, As Amended and Coauthored.