

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 335

By: Pederson of the Senate

and

Newton of the House

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

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

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

19       A.   After a period of seventy-five (75) years since the last  
20       recorded activity on a burial space, as defined by the Perpetual  
21       Care Fund Act, and after a reasonable search for heirs and  
22       beneficiaries, an unused burial site shall be abandoned and the  
23       right of ownership in the burial site shall revert to the private or  
24

1 public cemetery, after the cemetery has met the requirements of this  
2 section.

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

5 a. sending a certified letter of notice by the entity  
6 responsible for the cemetery to the last-known address  
7 of the record property owner; however, if no address  
8 is available, then no letter shall be required, and

9 b. publishing a copy of the description of the abandoned  
10 burial space in a newspaper qualified to publish  
11 public notices pursuant to Section 106 of Title 25 of  
12 the Oklahoma Statutes in the county of the last-known  
13 address of the record owner for three (3) weeks;  
14 however, if no address is available, then publication  
15 shall take place in the county where the burial space  
16 is located.

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

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

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
dated 04/05/2021 - DO PASS.