

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 488
HOUSE BILL 586

AN ACT TO AMEND THE NORTH CAROLINA CEMETERY ACT TO ENHANCE
ADMINISTRATION AND PROTECTION OF THE PUBLIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 65-54 is rewritten to read:

"§ 65-54. Annual budget of Commission; collection of funds.—The Commission shall prepare an annual budget and shall collect the sums of money required for this budget from yearly fees and from any other sources provided in this Article. On or before July 1 of each year, each licensed cemetery will pay a license fee to be set by the Commission in an amount not to exceed three hundred dollars (\$300.00) per year; and in addition, an inspection fee for each grave space, niche, mausoleum crypt deeded and preneed cemetery merchandise contract for vaults, belowground crypts, mausoleum crypts, and memorials to be set by the Commission each year in order to defray the expenses of the Commission as set forth in the budget. Such additional fee shall not exceed one dollar and fifty cents (\$1.50) per grave space, niche, and mausoleum crypt deeded, and shall not exceed four dollars (\$4.00) per item in each preneed cemetery merchandise contract for vaults, belowground crypts, mausoleum crypts and memorials."

Sec. 2. G.S. 65-55(c)(2) is amended by deleting "fifteen thousand dollars (\$15,000)" and substituting "thirty thousand dollars (\$30,000)".

Sec. 3. G.S. 65-64(c) is amended by deleting "fifteen thousand dollars (\$15,000)" and substituting "thirty thousand dollars (\$30,000)".

Sec. 4. G.S. 65-59 is amended at the first sentence by deleting the words "and thereby to" and substituting "or otherwise act to effectively".

Sec. 5. G.S. 65-63 is rewritten to read:

"§ 65-63. Requirements for perpetual care fund.—No such cemetery shall hereafter cause or permit advertising of a perpetual care fund in connection with the sale or offer for sale of its property unless the amount deposited in said funds shall be equal to not less than thirty-five dollars (\$35.00) per grave space, niche, or mausoleum crypt sold, this sum to be deposited in perpetual care fund as provided in G.S. 65-61 except as provided in G.S. 65-64. Nothing may prohibit an individual cemetery from requiring a perpetual care deposit for grave memorial markers to be deposited in the perpetual care fund so long as the same assessment is uniformly applied to all grave memorial markers installed in such cemetery.

Sec. 6. G.S. 65-64(e) is amended by deleting the language at the end of this subsection reading "and said deposits shall be not less than twenty-five dollars (\$25.00)

per grave space and niche and forty-five dollars (\$45.00) per mausoleum crypt space" and by substituting the following: "and such deposits shall be not less than thirty-five dollars (\$35.00) per grave space, niche, or mausoleum crypt space."

Sec. 7. The first sentence of G.S. 65-66(m) is rewritten to read: "Within 30 days following the execution of a contract for the sale of personal property or performance of services, a purchaser may cancel his contract by giving written notice to the seller."

Sec. 8. G.S. 65-53(1) is amended to add the following sentence: "The Commission is authorized and empowered to employ such staff, including legal counsel, as may be necessary."

Sec. 9. This act shall become effective July 1, 1987.

In the General Assembly read three times and ratified this the 26th day of June, 1987.