

ASSEMBLY, No. 3816

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Eliminates 15% fee charged by cemetery company on transfer of graves, crypts and niches.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain fees charged by cemetery companies
2 and amending P.L.2003, c.261.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to
8 read as follows:

9 13. a. As a condition for the issuance of its certificate of
10 authority to operate a cemetery, a cemetery company established
11 after December 1, 1971 shall make an initial deposit of \$75,000 to
12 its Maintenance and Preservation Fund. A cemetery company that
13 operates or seeks to operate only a crematory shall not be required
14 to make the \$75,000 initial trust fund deposit. A for-profit
15 corporation, partnership, association or other private entity
16 managing or operating a cemetery company pursuant to a certificate
17 of authority granted under section 1 of P.L.2006, c.26 (C.45:27-7.1)
18 shall not be required to make that initial deposit of \$75,000 to its
19 Maintenance and Preservation Fund; however the cemetery
20 company and the for-profit corporation, partnership, association or
21 other private entity shall be jointly and severally liable for the
22 maintenance and use of that Maintenance and Preservation Fund.

23 b. A cemetery company established before December 1, 1971
24 shall transfer into the Maintenance and Preservation Fund any funds
25 established for the maintenance and preservation of the cemetery
26 and any additional amount set by the board.

27 c. A cemetery company shall collect and pay into the
28 Maintenance and Preservation Fund the following fees and charges:

29 (1) on the initial sale by a cemetery company of each grave,
30 15% of the gross sales price;

31 (2) 10% of the initial sales price of a crypt or niche in a public
32 mausoleum or columbarium;

33 (3) on bulk sales of graves, 15% of the current retail gross sale
34 price of comparable graves;

35 (4) on bulk sales of crypts or niches, 10% of the current retail
36 gross sale price of comparable crypts or niches;

37 (5) **【on transfer of a grave, 15% of the current gross sales price**
38 **of equivalent graves, less any amounts previously paid to the**
39 **Maintenance and Preservation Fund on sales of that grave;】**
40 (Deleted by amendment, P.L. , c.) (pending before the
41 Legislature as this bill)

42 (6) **【on transfer of a crypt or niche, 15% of the current gross**
43 **sales price of equivalent crypts or niches, less any amounts**
44 **previously paid to the Maintenance and Preservation Fund on sales**

EXPLANATION – Matter enclosed in bold-faced brackets 【thus】 in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of that crypt or niche;】 (Deleted by amendment, P.L. _____, c. _____)
2 (pending before the Legislature as this bill)

3 (7) for each interment or for the placement of cremated human
4 remains, 3% of the charge for the interment or placement or \$20,
5 whichever is more;

6 (8) for a foundation, base or installation, 10% of the charge for
7 the foundation, base or installation, or \$20, whichever is more.

8 【For the purposes of paragraphs (5) and (6) of this subsection,
9 "transfer" shall not include: (a) sales to the cemetery company or to
10 the next of kin; or (b) conveyance of a right of burial in a grave,
11 crypt or niche for which there is no transfer of title provided the
12 grave, crypt or niche was sold after December 1, 1971, the
13 conveyance of the right of burial is from a corporation or
14 association organized not for profit and operated exclusively for
15 religious or charitable purposes to a member or authorized designee
16 of a member of the corporation or association, and a fee or charge
17 had previously been paid on that grave, crypt or niche pursuant to
18 subsection c.】

19 d. Monies required to be deposited into the Maintenance and
20 Preservation Fund shall be paid to the fund on a monthly basis.
21 Such deposits shall be made by the last day of the month following
22 the month in which the monies were received. In the event of an
23 installment sale of a grave, crypt or niche, the cemetery company
24 may make the required deposit at the time the deed is issued or
25 when the payments are received.

26 e. A cemetery company may make additional payments or
27 accept contributions into the Maintenance and Preservation Fund.
28 (cf: P.L.2015, c.61, s.1)

29
30 2. This act shall take effect immediately.

31 32 33 STATEMENT

34
35 This bill eliminates the 15% fee which cemetery companies
36 currently charge for the transfer of a grave, crypt or niche. Under
37 the "New Jersey Cemetery Act, 2003," these fees are among those
38 which a cemetery is required to charge and deposit in its
39 Maintenance and Preservation Funds, to be used for the purposes
40 designated by the act.

41 Inasmuch as a fee is already charged on the original sale of
42 graves, crypt and niches, the additional fee upon transfer of a grave,
43 crypt or niche would appear to be unnecessarily burdensome,
44 especially when the transfer may occur at the time of need, and
45 create an additional financial hardship on the bereaved.