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## A BILL FOR AN ACT

RELATING TO CEMETERIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 441-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§441-3 Map or plat required[-]; unique identifier.** (a)  
4 [~~The cemetery authority from~~] From time to time, as any of the  
5 dedicated cemetery property [~~described in the certificate of~~  
6 ~~dedication~~], or any part or section thereof, is offered for  
7 sale, transfer, or disposition in the form of plots, crypts, or  
8 niches, the cemetery authority shall [~~also:~~]:

9 (1) In the case of land, survey and subdivide [~~it~~] the  
10 dedicated cemetery property into sections, blocks,  
11 plots, avenues, walks, or other subdivisions[+] and  
12 make a good and substantial map or plat showing the  
13 sections, blocks, plots, avenues, walks, or other  
14 subdivisions, with descriptive names, initials, or  
15 numbers[+] that uniquely identify each plot;

16 (2) In the case of a mausoleum or columbarium, make a good  
17 and substantial map or plat on which shall be  
18 delineated the sections, halls, rooms, corridors,



1 elevation, and other divisions, with descriptive  
2 names, initials, or numbers[~~-~~

3 ~~The map or plat shall also be filed in the office of the~~  
4 ~~bureau of conveyances or the office of the assistant registrar~~  
5 ~~of the land court.] that uniquely identify each niche or crypt;~~

6 and

7 (3) File the maps or plats required by this section in the  
8 office of the bureau of conveyances or the office of  
9 the assistant registrar of the land court, and  
10 maintain a copy of all filed maps as a permanent  
11 record of the cemetery authority.

12 (b) The cemetery authority shall maintain a permanent,  
13 accurate record of the identity of each person whose remains are  
14 located in the cemetery, together with the corresponding unique  
15 identifier that indicates the location of the person's remains  
16 within the cemetery. The records required by this section shall  
17 be prepared and maintained in a manner that will enable the  
18 cemetery authority to respond timely to inquiries from the  
19 public or the department regarding the location of a person's  
20 remains within the cemetery.

21 (c) The cemetery authority shall specify the unique  
22 identifier of a plot, crypt, or niche in any document that



1 provides for the sale, transfer, or disposition of the plot,  
2 crypt, or niche."

3 SECTION 2. Section 441-13, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§441-13 Sale of plots after dedication; sale of**  
6 **incumbered plots prohibited unless incumbrance subordinate to**  
7 **dedication.** After property is dedicated pursuant to this  
8 chapter, a cemetery authority may sell, transfer, and convey  
9 plots, crypts, or niches thereof, which plots, crypts, or niches  
10 [~~may~~] shall be described by reference to the map or plat, or  
11 amended map or plat, filed in accordance with section 441-3 or  
12 441-8. No plot, crypt, or niche shall be sold, transferred,  
13 conveyed, or otherwise disposed of, or offered for sale,  
14 transfer, conveyance, or other disposition, unless the property  
15 on or in which the plot, crypt, or niche is included has been  
16 dedicated pursuant to this chapter, nor shall any plot, crypt,  
17 or niche be sold, transferred, conveyed, or otherwise disposed  
18 of, or offered for sale, transfer, conveyance, or other  
19 disposition, unless the property on or in which the plot, crypt,  
20 or niche is included shall either be free and clear of all  
21 incumbrances or there has been recorded the written consent of  
22 every incumbrancer thereof that the incumbrancer's incumbrance



1 shall be subject and subordinate to the dedication of the  
2 property to cemetery purposes and the title of any plot, crypt,  
3 or niche owner."

4 SECTION 3. Section 441-22.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) Every cemetery or pre-need funeral authority shall be  
7 required to provide to the purchaser of cemetery property, pre-  
8 need interment, or pre-need funeral services and related  
9 commodities a written contract [~~which~~] shall [~~contain~~] make the  
10 following [~~disclosure requirements~~] disclosures:

- 11 (1) The names and addresses of the authority and  
12 purchaser;
- 13 (2) A clear and concise statement of the property,  
14 including, for cemetery property, the location of the  
15 plot, crypt, or niche by its unique identifier, and of  
16 any services[~~r~~] and related commodities to be supplied  
17 or not supplied, and by whom, particularly if the  
18 authority is not to be the provider under the terms of  
19 the contract;
- 20 (3) The purchase price of each item of property, services,  
21 and related commodities to be supplied and how the  
22 purchase price is payable; provided that, pursuant to



- 1 section 441-22.7, disclosure shall also be made that  
2 further additional charges or fees for perpetual care  
3 subsequent to the execution of the contract are  
4 prohibited for any purpose and on any occasion, except  
5 for reasonable fees related to the administrative  
6 costs of transferring ownership rights, including the  
7 cost of research, document and file preparation,  
8 photocopying, notary fees, records transfer and  
9 storage, and any other costs directly related to the  
10 transfer of ownership rights;
- 11 (4) Related costs covered under the contract;
- 12 (5) The basis on which funds are to be deposited in trust;
- 13 (6) Refund provisions of the contract;
- 14 (7) The date and place of execution of the contract;
- 15 (8) The authority's or its duly authorized agent's  
16 signature on the contract and the identification of  
17 this person by name and title; and
- 18 (9) A statement that the written contract, when signed,  
19 shall constitute the entire agreement between the  
20 parties relative to its subject matter and that all  
21 obligations of both parties shall be fixed and



1 enforceable by the other parties [of] to the  
2 contract."

3 SECTION 4. Section 441-24, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§441-24 Inspection of cemetery or pre-need funeral**  
6 **authority books** [~~annual exhibits~~]. The books, records, and  
7 papers of every cemetery authority whether or not a corporation,  
8 which operates or claims to operate a perpetual care cemetery,  
9 and of every pre-need funeral authority shall be subject to  
10 examination by the director [~~to the same extent and in the same~~  
11 ~~manner as may be from time to time provided for corporations in~~  
12 ~~section 414-472,~~] as provided by law, and every cemetery  
13 authority operating a perpetual care cemetery, and every pre-  
14 need funeral authority shall submit such information as may be  
15 required by the director in order to furnish information as to  
16 whether or not the cemetery or pre-need funeral authority has  
17 complied with this chapter."

18 SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.

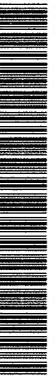
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**Report Title:**

Cemeteries; Deceased Location and Identification

**Description:**

Requires a cemetery authority to file with the department of commerce and consumer affairs a map of the cemetery, and a unique locating identifier that becomes a part of the contract disclosure requirements. Makes authority's books subject to examination by the department of commerce and consumer affairs.

