

TRANSMITTAL OF RULES ADOPTED

WASHINGTON STATE

FROM: CEMETERY BOARD

(Name of Agency)

TO: CODE REVISER

LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)

OLYMPIA 98504

The enclosed rules Permanent rules  , being Order No. CB 101  
Emergency rules

relating to (Name of rules or description of subject matter)

Adopting WAC 98-14-020, 98-14-030, 98-14-040, 98-14-050,  
98-14-060 and 98-14-070 which create a new chapter  
pertaining to pre-arrangement contracts.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 5416 ① filed with the code reviser  
on 8-20-75 ② were regularly adopted as permanent rules of  
(date)  
this agency at Ocean Shores, WA on 9-21-75 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 34.04  
RCW. The effective date of such rules shall be \_\_\_\_\_ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,  
that the immediate adoption of these rules is necessary for the  
preservation of the public health, safety, or general welfare and  
that observance of the requirements of notice and opportunity to  
present views on the proposed action would be contrary to the  
public interest, were regularly adopted as emergency rules of this  
agency at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this \_\_\_\_\_ day of October 1975.

STATE OF WASHINGTON  
**FILED**  
OCT 17 1975  
CODE REVISER'S OFFICE  
DOCKET # \_\_\_\_\_ FILE # 2

WASHINGTON STATE CEMETERY BOARD  
(AGENCY)

By Robert D. Aiken  
Executive Secretary

Title \_\_\_\_\_

① Notice number as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use no. of last notice)  
② Stamped date as appears on the copy of notice returned to you by  
reviser's office (if proceedings were continued, use date of last notice)  
③ Unless a later date is specified in this order or is prescribed in  
another statute, rules are effective 30 days after filing:  
RCW 34.04.040. Leave this space blank except in such special cases.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON

CEMETERY BOARD

ADMINISTRATIVE ORDER NO. CB 101

I, Robert A. Aiken, Executive Secretary of the Washington State Cemetery Board, by virtue of the authority vested in me under Chapter 68.05 RCW, after due notice and in meeting open to the public, held at Ocean Shores Inn, Ocean Shores, Washington, on September 21, 1975, as required by Chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to-wit:

WAC 98-14-020, 98-14-030, 98-14-040, 98-14-050, 98-14-060 and 98-14-070 which create a new chapter pertaining to pre-arrangement contracts.

This order after being first recorded in the order register of this board shall be filed in the office of the Code Reviser pursuant to Chapters 34.04 RCW and Chapters 1-12 WAC.

APPROVED AND ADOPTED this \_\_\_\_ day of October, 1975.

CEMETERY BOARD

By: 

Robert A. Aiken  
Executive Secretary

Chapter 98-14

PRE-ARRANGEMENT CONTRACTS

NEW            WAC 98-14-010 DEFINITIONS. All definitions of chapter 68.46 RCW apply to this chapter of WAC.

NEW            WAC 98-14-020 ITEMIZATION OF CHARGES. In addition to all other requirements of the law relating to consumer contracts, all pre-arrangement contracts must have a specific itemization of charges and descriptions for each merchandise or service to be furnished or delivered including, but not limited to, an itemization of services to be performed on delivered merchandise such as, but not limited to, marker installation and care. There shall be a special itemization of charges and descriptions for each grave, niche or crypt sold in connection with any pre-arrangement contract.

NEW            WAC 98-14-030 FORM OF DELIVERY. All pre-arrangement contracts must state on the contract what form or forms of delivery of merchandise will constitute "delivery" to satisfy the requirements of RCW 68.46.050.

NEW            WAC 98-14-040 PERFORMANCE OF SERVICES. Pre-arrangement services, including shipment and installation of pre-arrangement merchandise, shall not be deemed to have been furnished within the meaning of RCW 68.46.050(1) until performance of such services has actually occurred.

NEW            WAC 98-14-050 DETERMINATION OF DELIVERY. Pre-arrangement merchandise shall be delivered within the meaning of RCW 68.46-.050(1) when:

(1) Actual delivery of the merchandise is made to the contract beneficiary; or

(2) Delivery of the merchandise is made to the cemetery authority for the contract beneficiary and the merchandise is permanently affixed to real property or a mausoleum; or

(3) Delivery of the merchandise to the cemetery authority for the contract beneficiary with storage provided by the cemetery authority, provided that fifty percent of the service charge of the installation and other services to be performed upon the merchandise is maintained in the pre-arrangement trust fund, and an insurance provision is maintained when stored in a building: PROVIDED, That no insurance is necessary when merchandise is affixed to the grave; or

(4) The cemetery authority has paid its supplier for pre-arrangement merchandise, and the supplier has caused such merchandise to be manufactured and stored, and has caused title to such merchandise to be transferred to the contract beneficiary, and has agreed to ship such merchandise upon his request or the request of the cemetery authority: PROVIDED, That fifty percent of the service charge of delivery, installation and

other costs are maintained in the pre-arrangement trust fund by the cemetery authority. Such delivery and installation costs must be itemized upon the pre-arrangement contract, in accordance with WAC 98-14-020.

NEW

WAC 98-14-060 SUPPLIERS. No person, firm or corporation shall be deemed a supplier for purposes of WAC 98-14, unless it:

- (1) Permanently and unalterably identifies all such merchandise with the name of the contract beneficiary; and
- (2) Submits to the board not less than annually a certified report by a certified public accountant of all merchandise which has been purchased through a Washington cemetery authority and which, at the date of such report, was then in storage; and
- (3) Permits the board or its designee, at any time, to examine stored merchandise which was purchased through a Washington cemetery authority and to examine any document pertaining thereto; and
- (4) Submits evidence of a bond insuring the existing and good title of any merchandise due any contract beneficiary purchased through a Washington cemetery authority; and
- (5) Submits evidence insuring that all merchandise purchased through a Washington cemetery authority and being stored by said supplier is insured for casualty, theft or other loss normally assumed by a bailee for hire.

NEW

WAC 98-14-070 SECURITIES FOR LOANS. In any instance where a pre-arrangement contract containing undelivered merchandise or services is sold, pledged or otherwise encumbered as security for a loan by a cemetery authority, the cemetery authority shall pay into the pre-arrangement trust fund fifty percent of the total sale price of the pre-arrangement contract within twenty (20) days of receipt of payment of the proceeds from such sale or loan.