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SENATE BILL 5026

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State of Washington

53rd Legislature

1993 Regular Session

By Senator A. Rasmussen

Read first time 01/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to regulation of funeral directors, embalmers, and  
2 crematories; amending RCW 18.39.290, 68.05.100, 68.05.205, and  
3 68.50.180; and adding a new section to chapter 18.39 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.39.290 and 1986 c 259 s 69 are each amended to read  
6 as follows:

7 All certificates of registration issued pursuant to this chapter  
8 shall continue in force until the expiration date unless suspended or  
9 revoked. A certificate shall be subject to renewal annually ninety  
10 days after the end of its fiscal year, as stated on the original  
11 application, by the funeral establishment and payment of the required  
12 fees.

13 The director shall determine and collect fees related to  
14 certificate of registration licensure.

15 All fees so collected shall be remitted by the director to the  
16 state treasurer not later than the first business day following receipt  
17 of such funds and the funds shall be credited to the ((health  
18 professions)) funeral directors and embalmers account.

1        NEW SECTION.    **Sec. 2.** A new section is added to chapter 18.39 RCW  
2 to read as follows:

3        The funeral directors and embalmers account is created in the  
4 custody of the state treasurer. All fees received by the department  
5 for licenses, registrations, renewals, examinations, and audits shall  
6 be forwarded to the state treasurer who shall credit the money to the  
7 account. All fines and civil penalties ordered by the superior court  
8 or fines ordered pursuant to RCW 18.130.160(8) against holders of  
9 licenses or registrations issued under the provisions of this chapter  
10 shall be paid to the account. All expenses incurred in carrying out  
11 the licensing and registration activities of the department and the  
12 state funeral directors and embalmers board under this chapter shall be  
13 paid from the account as authorized by legislative appropriation. Any  
14 residue in the account shall be accumulated and shall not revert to the  
15 general fund at the end of the biennium. All earnings of investments  
16 of balances in the account shall be credited to the general fund.

17        **Sec. 3.** RCW 68.05.100 and 1987 c 331 s 9 are each amended to read  
18 as follows:

19        The board may establish necessary rules and regulations for the  
20 enforcement of this title and the laws subject to its jurisdiction and  
21 prescribe the form of statements and reports provided for in this  
22 title. Rules regulating the cremation of human remains and  
23 establishing ~~((fees and))~~ permit requirements shall be adopted in  
24 consultation with the state board of funeral directors and embalmers.

25        **Sec. 4.** RCW 68.05.205 and 1987 c 331 s 16 are each amended to read  
26 as follows:

27        ~~((Every cemetery authority shall pay for each cemetery operated by  
28 it, an annual regulatory charge to be fixed by the director of not more  
29 than three dollars per interment, entombment, and inurnment made during  
30 the preceding full calendar year, which charges shall be deposited in  
31 the cemetery account. Upon payment of said charges and compliance with  
32 the provisions of Title 68 RCW and the lawful orders, rules, and  
33 regulations of the board, the board will issue a certificate of  
34 authority.))~~ The director with the consent of the cemetery board shall  
35 set all fees for chapters 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,  
36 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including

1 fees for licenses, certificates, regulatory charges, permits, or  
2 endorsements, and the department shall collect the fees.

3 **Sec. 5.** RCW 68.50.180 and 1979 c 21 s 14 are each amended to read  
4 as follows:

5 The cemetery authority may inter or cremate any remains upon the  
6 receipt of a written authorization of a person representing himself to  
7 be a person who has acquired the right to control the disposition of  
8 the remains. A cemetery authority is not liable for interring or  
9 cremating pursuant to such authorization, unless it has actual notice  
10 that such representation is untrue.

11 In the event the state of Washington or any of its agencies provide  
12 the funds for the disposition of any remains and the state or its  
13 agency elects to provide the funds for cremation only, the ((~~cemetery~~  
14 ~~authority~~)) crematory shall not be criminally or civilly liable for  
15 cremating the remains.

16 If the provisions of RCW 68.50.160 do not apply, a crematory  
17 licensed under the provisions of RCW 68.05.175 or 18.39.217 shall have  
18 the right to rely on an authority to cremate executed by a  
19 representative of the decedent or the decedent's estate, and the  
20 crematory shall not be criminally or civilly liable for cremating the  
21 remains.

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