

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5752**

Chapter 365, Laws of 2005

59th Legislature  
2005 Regular Session

FUNERAL DIRECTORS--CEMETERIES

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 16, 2005  
YEAS 41 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 6, 2005  
YEAS 94 NAYS 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved May 10, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5752** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

May 10, 2005 - 9:36 a.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5752**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Prentice, Honeyford and Kohl-Welles)

READ FIRST TIME 03/01/05.

1            AN ACT Relating to funeral directors and cemeteries; amending RCW  
2 18.39.010, 18.39.020, 18.39.035, 18.39.045, 18.39.070, 18.39.100,  
3 18.39.120, 18.39.130, 18.39.170, 18.39.173, 18.39.175, 18.39.181,  
4 18.39.195, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.39.250,  
5 18.39.255, 18.39.345, 18.39.410, 18.39.800, 68.04.020, 68.04.030,  
6 68.04.040, 68.04.070, 68.04.080, 68.04.100, 68.04.110, 68.04.120,  
7 68.04.130, 68.04.160, 68.04.165, 68.04.170, 68.04.190, 68.04.210,  
8 68.04.230, 68.04.240, 68.05.010, 68.05.030, 68.05.040, 68.05.050,  
9 68.05.080, 68.05.090, 68.05.100, 68.05.105, 68.05.115, 68.05.150,  
10 68.05.170, 68.05.173, 68.05.195, 68.05.210, 68.05.215, 68.05.225,  
11 68.05.235, 68.05.240, 68.05.245, 68.05.254, 68.05.259, 68.05.285,  
12 68.05.290, 68.05.330, 68.05.340, 68.20.061, 68.20.110, 68.24.010,  
13 68.24.080, 68.24.090, 68.24.100, 68.24.110, 68.24.120, 68.24.130,  
14 68.24.140, 68.24.150, 68.24.160, 68.24.170, 68.24.180, 68.24.190,  
15 68.24.220, 68.28.010, 68.28.020, 68.28.030, 68.28.060, 68.32.010,  
16 68.32.020, 68.32.030, 68.32.040, 68.32.050, 68.32.060, 68.32.070,  
17 68.32.080, 68.32.090, 68.32.100, 68.32.110, 68.32.130, 68.32.140,  
18 68.32.150, 68.32.160, 68.36.010, 68.36.020, 68.36.030, 68.36.040,  
19 68.36.050, 68.40.010, 68.40.025, 68.40.060, 68.44.020, 68.44.070,  
20 68.44.080, 68.44.090, 68.44.100, 68.44.110, 68.44.120, 68.44.130,  
21 68.44.140, 68.44.150, 68.44.160, 68.46.010, 68.46.020, 68.46.030,

1 68.46.040, 68.46.050, 68.46.055, 68.46.060, 68.46.075, 68.46.080,  
2 68.46.090, 68.46.100, 68.46.110, 68.50.110, 68.50.130, 68.50.140,  
3 68.50.160, 68.50.170, 68.50.185, 68.50.200, 68.50.220, 68.50.230,  
4 68.50.240, 68.50.270, 68.56.040, 68.60.030, 70.58.005, 70.58.082,  
5 70.58.160, 70.58.170, 70.58.180, 70.58.190, 70.58.230, 70.58.240,  
6 70.58.260, and 70.58.390; reenacting and amending RCW 18.39.145 and  
7 18.39.150; adding new sections to chapter 18.39 RCW; adding new  
8 sections to chapter 68.04 RCW; adding a new section to chapter 68.46  
9 RCW; repealing RCW 18.39.148, 68.04.090, 68.04.180, 68.04.200,  
10 68.04.220, 68.05.185, 68.20.090, 68.20.130, 68.24.175, 68.32.120,  
11 68.36.090, 68.46.150, 68.50.135, 68.50.145, 68.50.150, 68.50.165,  
12 68.50.180, 68.50.190, and 68.50.250; and prescribing penalties.

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

14 **Sec. 1.** RCW 18.39.010 and 2000 c 171 s 10 are each amended to read  
15 as follows:

16 ~~((Unless the context clearly requires otherwise,))~~ The definitions  
17 in this section apply throughout this chapter unless the context  
18 clearly requires otherwise.

19 (1) "Funeral director" means a person engaged in the profession or  
20 business of ~~((conducting funerals and supervising or directing the~~  
21 ~~burial and disposal of dead human bodies))~~ providing for the care,  
22 shelter, transportation, and arrangements for the disposition of human  
23 remains that may include arranging and directing funeral, memorial, or  
24 other services.

25 (2) "Embalmer" means a person engaged in the profession or business  
26 of disinfecting~~((τ))~~ and preserving ~~((or preparing for disposal or~~  
27 ~~transportation of dead human bodies))~~ human remains for transportation  
28 or final disposition.

29 (3) "Two-year college course" means the completion of sixty  
30 semester hours or ninety quarter hours of college credit, including the  
31 satisfactory completion of certain college courses, as set forth in  
32 this chapter.

33 (4) "Funeral establishment" means a place of business licensed in  
34 accordance with RCW 18.39.145, ~~((conducted at a specific street address~~  
35 ~~or location, and devoted to the care and preparation for burial or~~  
36 ~~disposal of dead human bodies))~~ that provides for any aspect of the

1 care, shelter, transportation, embalming, preparation, and arrangements  
2 for the disposition of human remains and includes all areas of such  
3 ~~((business premises))~~ entity and all ~~((tools))~~ equipment, instruments,  
4 and supplies used in the care, shelter, transportation, preparation,  
5 and embalming of ~~((dead))~~ human ~~((bodies for burial or disposal))~~  
6 remains.

7 (5) "Director" means the director of licensing.

8 (6) "Board" means the state board of funeral directors and  
9 embalmers created pursuant to RCW 18.39.173.

10 (7) "Prearrangement funeral service contract" means any contract  
11 under which, for a specified consideration, a funeral establishment  
12 promises, upon the death of the person named or implied in the  
13 contract, to furnish funeral merchandise or services.

14 (8) "Funeral merchandise or services" means those services normally  
15 performed and merchandise normally provided by funeral establishments,  
16 including the sale of burial supplies and equipment, but excluding the  
17 sale by a cemetery of lands or interests therein, services incidental  
18 thereto, markers, memorials, monuments, equipment, crypts, niches, or  
19 vaults.

20 (9) ~~((Qualified))~~ "Public depository" means a public depository  
21 defined by RCW 39.58.010~~((, a credit union as governed by chapter 31.12~~  
22 ~~RCW, a mutual savings bank as governed by Title 32 RCW, a savings and~~  
23 ~~loan association as governed by Title 33 RCW, or a federal credit union~~  
24 ~~or a federal savings and loan association organized, operated, and~~  
25 ~~governed by any act of congress, in which prearrangement funeral~~  
26 ~~service contract funds are deposited by any funeral establishment))~~ or  
27 a state or federally chartered credit union.

28 (10) "Licensee" means any person or entity holding a license,  
29 registration, endorsement, or permit under this chapter issued by the  
30 director.

31 Words used in this chapter importing the singular may be applied to  
32 the plural of the person or thing, words importing the plural may be  
33 applied to the singular, and words importing the masculine gender may  
34 be applied to the female.

35 **Sec. 2.** RCW 18.39.020 and 1987 c 150 s 30 are each amended to read  
36 as follows:

37 It is ~~((a violation of RCW 18.130.190))~~ unlawful for any person to

1 act or hold himself or herself out as a funeral director or embalmer or  
2 discharge any of the duties of a funeral director or embalmer as  
3 defined in this chapter unless the person has a valid license under  
4 this chapter. It is unlawful for any person to (~~open up~~) establish,  
5 maintain, or operate a funeral establishment without a valid  
6 establishment license (~~and without having at all times at least one~~  
7 ~~funeral director to supervise and direct the business conducted~~  
8 ~~therefrom~~)).

9       **Sec. 3.** RCW 18.39.035 and 1996 c 217 s 1 are each amended to read  
10 as follows:

11       (1) An applicant for a license as a funeral director shall be at  
12 least eighteen years of age(~~, of good moral character,~~) and must have  
13 obtained an associate of arts degree in mortuary science or completed  
14 a course of not less than two years in an accredited college, and a  
15 one-year course of training under a licensed funeral director in this  
16 state. The applicant must also pass an examination in the funeral arts  
17 and an examination in the laws of this state pertaining to the  
18 handling, care, transportation, and disposition of human remains and  
19 the contents of this chapter.

20       (2) An applicant for a license as an embalmer must be at least  
21 eighteen years of age(~~, of good moral character,~~) and have obtained  
22 an associate of arts degree in mortuary science or completed a course  
23 of instruction in an accredited mortuary science college program and  
24 other college courses that total sixty semester hours or ninety quarter  
25 hours, completed a two-year course of training under a licensed  
26 embalmer in this state, and have passed an examination in the funeral  
27 sciences and an examination in the laws of this state pertaining to the  
28 handling, care, transportation, and disposition of human remains, and  
29 the contents of this chapter.

30       **Sec. 4.** RCW 18.39.045 and 1996 c 217 s 2 are each amended to read  
31 as follows:

32       (1) The two-year college course required for funeral directors  
33 under this chapter shall consist of sixty semester or ninety quarter  
34 hours of instruction at a school, college, or university accredited by  
35 the Northwest Association of Schools and Colleges or other accrediting

1 association approved by the board, with a minimum 2.0 grade point, or  
2 a grade of C or better, in each subject required by subsection (2) of  
3 this section.

4 (2) Credits shall include one course in psychology, one in  
5 mathematics, two courses in English composition (~~and rhetoric~~), two  
6 courses in social science, and three courses selected from the  
7 following subjects: Behavioral sciences, public speaking, counseling,  
8 business administration and management, computer science, and first  
9 aid.

10 (3) This section does not apply to any person registered and in  
11 good standing as an apprentice funeral director or embalmer on or  
12 before January 1, 1982.

13 **Sec. 5.** RCW 18.39.070 and 1996 c 217 s 3 are each amended to read  
14 as follows:

15 (1) License examinations shall be held by the director at least  
16 once each year at a time and place to be designated by the director.  
17 Application to take an examination shall be filed with the director at  
18 least (~~forty-five~~) fifteen days prior to the examination date  
19 (~~and~~). The department shall give each applicant written notice of  
20 the time and place of the next examination (~~by written notice mailed~~  
21 ~~to the applicant's address as given upon his or her application not~~  
22 ~~later than fifteen days before the examination, but no person may take~~  
23 ~~an examination unless his or her application has been on file for at~~  
24 ~~least fifteen days before the examination)). The applicant shall be  
25 deemed to have passed an examination if the applicant attains a grade  
26 of not less than seventy-five percent in each examination. Any  
27 applicant who fails an examination shall be entitled, at no additional  
28 fee, to one retake of that examination.~~

29 (2) An applicant for a license (~~hereunder~~) may take his or her  
30 written examination after completing the educational requirements and  
31 before completing the course of training required under RCW 18.39.035.

32 **Sec. 6.** RCW 18.39.100 and 1996 c 217 s 4 are each amended to read  
33 as follows:

34 Every license issued (~~hereunder~~) shall specify the name of the  
35 person to whom it is issued and shall be displayed (~~conspicuously~~) in  
36 his or her place of business in an area accessible to the public. No

1 license shall be assigned, and not more than one person shall carry on  
2 the profession or business of funeral directing or embalming under one  
3 license.

4 **Sec. 7.** RCW 18.39.120 and 1985 c 7 s 38 are each amended to read  
5 as follows:

6 Every person engaged in the business of funeral directing or  
7 embalming, who employs an (~~apprentice~~) intern to assist in the  
8 conduct of the business, shall register the name of each (~~apprentice~~)  
9 intern with the director at the beginning of the (~~apprenticeship~~)  
10 internship, and shall also forward notice of the termination of the  
11 (~~apprenticeship~~) internship. The registration shall be renewed  
12 annually and shall expire on the anniversary of the (~~apprentice's~~)  
13 intern's birthdate. Fees determined under RCW 43.24.086 shall be paid  
14 for the initial registration of the (~~apprentice~~) intern, and for each  
15 annual renewal.

16 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.39 RCW  
17 to read as follows:

18 (1) An "academic intern" includes any student enrolled in an  
19 accredited college funeral service education program who is serving his  
20 or her three-month internship at a participating Washington state  
21 funeral establishment as required for graduation from the funeral  
22 service education program.

23 (2) Academic interns shall serve their internship in accordance  
24 with the guidelines established by the funeral service education  
25 program.

26 (3) Academic interns shall register with the director at the  
27 beginning of the academic internship on an application form prescribed  
28 by the board. The academic internship may not exceed a period of three  
29 months. No fee is required for registration as an academic intern.

30 **Sec. 9.** RCW 18.39.130 and 1996 c 217 s 5 are each amended to read  
31 as follows:

32 The board may recognize licenses issued to funeral directors or  
33 embalmers from other states and extend reciprocity to an applicant if  
34 the (~~applicant's qualifications are comparable to the requirements of~~  
35 ~~this chapter~~) applicant furnishes satisfactory evidence that the

1 applicant holds a valid license issued by another licensing authority  
2 recognized by the board as having qualifications for licensure that are  
3 substantially equivalent to those required by this chapter on the date  
4 of original licensure or licensure with the other licensing authority.  
5 Five years active experience as a licensee may be accepted to make up  
6 a deficit in the comparable education requirements.

7 ~~((Upon))~~ The board may issue a funeral director's or embalmer's  
8 license upon:

9 (1) Presentation of the license ((and)) verification;

10 (2) Payment ((by the holder)) of a fee determined under RCW  
11 43.24.086((, and));

12 (3) Successful completion of the examination of the laws of this  
13 state pertaining to the handling, care, transportation, and disposition  
14 of human remains and the contents of this chapter((, the board may  
15 issue a funeral director's or embalmer's license under this chapter)).

16 **Sec. 10.** RCW 18.39.145 and 1986 c 259 s 61 and 1985 c 7 s 40 are  
17 each reenacted and amended to read as follows:

18 The board shall issue a funeral establishment license to any  
19 person, partnership, association, corporation, or other organization to  
20 operate a funeral establishment, at a specific ((locations)) location  
21 only, which has met the following requirements:

22 (1) The applicant has designated the name under which the funeral  
23 establishment will operate and has designated ~~((locations))~~ the  
24 location for which the ~~((general))~~ establishment license is to be  
25 issued;

26 (2) The applicant is licensed in this state as a funeral director  
27 ~~((and as an embalmer,))~~ or employs ~~((at least one person with both such~~  
28 ~~qualifications or))~~ one licensed funeral director ~~((and one embalmer))~~  
29 who will be in service at ~~((each))~~ the designated location;

30 (3) The applicant has filed an application with the director as  
31 required by this chapter and paid the required filing fee ~~((therefor as~~  
32 ~~fixed by the director))~~ pursuant to RCW 43.24.086;

33 (4) As a condition of applying for a new funeral establishment  
34 license, the person or entity desiring to acquire such ownership or  
35 control shall be bound by all then existing prearrangement funeral  
36 service contracts.



1        (5) All duties requiring a license will be performed by licensed  
2 individuals or registered interns.

3        The board may deny an application for a funeral establishment  
4 license, or issue a conditional license, if disciplinary action has  
5 previously been taken against the applicant or the applicant's  
6 designated funeral director or embalmer. No funeral establishment  
7 license shall be transferable(~~(, but)~~). An applicant may make  
8 application for more than one funeral establishment license so long as  
9 all of the requirements are met for each license. All funeral  
10 establishment licenses shall expire on ((June 30)) January 31st, or as  
11 otherwise determined by the director.

12        **Sec. 11.** RCW 18.39.150 and 1986 c 259 s 63 and 1985 c 7 s 41 are  
13 each reenacted and amended to read as follows:

14        Any licensed funeral director or embalmer whose license has lapsed  
15 shall reapply for a license and pay a fee as determined under RCW  
16 43.24.086 before the license may be issued. Applications under this  
17 section shall be made within one year after the expiration of the  
18 previous license. If the application is not made within one year, the  
19 applicant shall be required to take an examination (~~((or submit other~~  
20 ~~satisfactory proof of continued competency approved by the board))~~) and  
21 pay the license fee, (~~((as required by this chapter in the case of~~  
22 ~~initial applications, together with all unpaid license fees and~~  
23 ~~penalties))~~) which may include penalty fees.

24        **Sec. 12.** RCW 18.39.170 and 1937 c 108 s 16 are each amended to  
25 read as follows:

26        There shall be appointed by (~~said~~) the director (~~(of licensing)~~)  
27 an agent whose title shall be "inspector of funeral establishments,  
28 crematories, funeral directors, and embalmers of the state of  
29 Washington." No person shall be eligible for such appointment  
30 unless(~~(, at the time of his appointment,))~~) he (~~(shall have))~~) or she  
31 has been a (~~duly~~) licensed funeral director and embalmer in the state  
32 of Washington, with a minimum experience of not less than five  
33 consecutive years (~~(both as an embalmer and as a funeral director in~~  
34 ~~the state of Washington. Said))~~).

35        (1) The inspector shall ((hold office during)):

1 (a) Serve at the pleasure of ((said)) the director ((of licensing,  
2 and the duties of said inspector shall be, and he is hereby authorized,  
3 to)) ; and

4 (b) At all times be under the supervision of the director.

5 (2) The inspector is authorized to:

6 (a) Enter the office, premises, establishment, or place of  
7 business, where funeral directing ((of)), embalming, or cremation is  
8 carried on for the purpose of inspecting ((said office,)) the  
9 premises((, establishment or place of business, and)) ;

10 (b) Inspect the licenses and registrations of ((embalmers, funeral  
11 directors and apprentices operating therein. Such inspector shall))  
12 funeral directors, embalmers, funeral director interns, and embalmer  
13 interns ;

14 (c) Serve and execute any papers or process issued by the director  
15 ((of licensing)) under authority of this chapter((,)) ; and

16 (d) Perform any other duty or duties prescribed or ordered by the  
17 director ((of licensing. Said inspector shall at all times be under  
18 the supervision of said director of licensing and he may also assist  
19 the state health commissioner in enforcing the provisions of the law  
20 relating to health and such rules and regulations as shall have been  
21 made and promulgated by the state board of health)).

22 **Sec. 13.** RCW 18.39.173 and 1977 ex.s. c 93 s 8 are each amended to  
23 read as follows:

24 There is hereby established a state board of funeral directors and  
25 embalmers to be composed of five members, four professional and one  
26 public member, appointed by the governor in accordance with this  
27 section(~~(, one of whom shall be a public member. The three members of~~  
28 ~~the state examining committee for funeral directors and embalmers,~~  
29 ~~which was created pursuant to RCW 43.24.060, as of September 21, 1977~~  
30 ~~are hereby appointed as members of the board to serve for initial~~  
31 ~~terms. The governor shall appoint two additional members of the~~  
32 ~~board)). Each professional member of the board shall be licensed in~~  
33 ~~this state as a funeral director and embalmer and a resident of the~~  
34 ~~state of Washington for a period of at least five years next preceding~~  
35 ~~appointment, during which time such member shall have been continuously~~  
36 ~~engaged in the ((practice as a funeral director or embalmer as defined~~  
37 ~~in this chapter. No person shall be eligible for appointment to the~~

1 ~~board of funeral directors and embalmers who is financially interested,~~  
2 ~~directly or indirectly, in any embalming college, wholesale funeral~~  
3 ~~supply business, or casket manufacturing business))~~ profession.

4 All members of the board of funeral directors and embalmers shall  
5 be appointed to serve for a term of five years, to expire on July 1<sup>st</sup>  
6 of the year of termination of their term, and until their successors  
7 have been appointed (~~and qualified: PROVIDED, That the governor is~~  
8 ~~granted the power to fix the terms of office of the members of the~~  
9 ~~board first appointed so that the term of office of not more than one~~  
10 ~~member of the board shall terminate in any one year)).~~ In case of a  
11 vacancy occurring on the board, the governor shall appoint a qualified  
12 member for the remainder of the unexpired term of the vacant office.  
13 Any member of the board of funeral directors and embalmers who fails to  
14 properly discharge the duties of a member may be removed by the  
15 governor.

16 The board shall meet once annually to elect a (~~chairman~~) chair,  
17 (~~vice-chairman~~) vice-chair, and secretary and take official board  
18 action on pending matters by majority vote of all the members of the  
19 board of funeral directors and embalmers and at other times when called  
20 by the director, the (~~chairman~~) chair, or a majority of the members.  
21 A majority of the members of (~~said~~) the board shall at all times  
22 constitute a quorum.

23 **Sec. 14.** RCW 18.39.175 and 1996 c 217 s 6 are each amended to read  
24 as follows:

25 Each member of the board of funeral directors and embalmers shall  
26 be compensated in accordance with RCW 43.03.240 and shall be reimbursed  
27 for travel expenses in connection with board duties in accordance with  
28 RCW 43.03.050 and 43.03.060.

29 The (~~state~~) board (~~of funeral directors and embalmers~~) shall  
30 have the following duties and responsibilities:

31 (1) To be responsible for the preparation, conducting, and grading  
32 of examinations of applicants for funeral director and embalmer  
33 licenses;

34 (2) To certify to the director the results of examinations of  
35 applicants and certify the applicant as having "passed" or "failed";

36 (3) To make findings and recommendations to the director on any and  
37 all matters relating to the enforcement of this chapter;

1 (4) To adopt(~~(, promulgate,)~~) and enforce reasonable rules. Rules  
2 regulating the cremation of human remains (~~(and permit requirements)~~)  
3 shall be adopted in consultation with the cemetery board;

4 (5) To examine or audit or to direct the examination and audit of  
5 prearrangement funeral service trust fund records for compliance with  
6 this chapter and rules adopted by the board; and

7 (6) To adopt rules establishing mandatory continuing education  
8 requirements to be met by persons applying for license renewal.

9 **Sec. 15.** RCW 18.39.181 and 1997 c 58 s 819 are each amended to  
10 read as follows:

11 The director shall have the following powers and duties:

12 (1) To issue all licenses provided for under this chapter;

13 (2) To renew licenses under this chapter;

14 (3) To collect all fees prescribed and required under this chapter;

15 (4) To immediately suspend the license of a person who has been  
16 certified pursuant to RCW 74.20A.320 by the department of social and  
17 health services as a person who is not in compliance with a support  
18 order (~~(or a residential or visitation order)~~); ~~((and))~~

19 (5) To keep (~~(general books of)~~) records of all official acts,  
20 proceedings, and transactions of the department of licensing (~~(while~~  
21 ~~acting under this chapter)~~); and

22 (6) To employ the necessary staff to carry out the duties of this  
23 chapter.

24 **Sec. 16.** RCW 18.39.195 and 1979 ex.s. c 62 s 1 are each amended to  
25 read as follows:

26 (1) Every licensed funeral director, his or her agent, or his or  
27 her employee shall give, or cause to be given, to the person making  
28 funeral arrangements or arranging for shipment, transportation, or  
29 other disposition of a deceased person:

30 (a) If requested by (~~(telephone)~~) voice, data, text, electronic, or  
31 other similar transmission, accurate information regarding the retail  
32 prices of funeral merchandise and services offered for sale by that  
33 funeral director; and

34 (b) At the time such arrangements are completed or prior to the  
35 time of rendering the service, a written, itemized statement showing to  
36 the extent then known the price of merchandise and service that such

1 person making such arrangements has selected, the price of supplemental  
2 items of service and merchandise, if any, and the estimated amount of  
3 each item for which the funeral service firm will advance money as an  
4 accommodation to the person making such funeral arrangements.

5 (2) No such funeral director, his or her agent, or his or her  
6 employee, shall bill or cause to be billed any item that is referred to  
7 as a "cash advanced" item unless the net amount paid for such item by  
8 the funeral director is the same amount as is billed to such funeral  
9 director.

10 **Sec. 17.** RCW 18.39.215 and 2003 c 53 s 127 are each amended to  
11 read as follows:

12 (1)(a) No licensed embalmer shall embalm (~~((a deceased body))~~) human  
13 remains without first having obtained authorization from (~~((a family~~  
14 ~~member or representative of the deceased))~~) the individual or  
15 individuals that have the right to control the disposition under RCW  
16 68.50.160.

17 (~~(b) ((Notwithstanding the above prohibition a licensee may embalm~~  
18 ~~without such authority when after due diligence no authorized person~~  
19 ~~can be contacted and embalming is in accordance with legal or accepted~~  
20 ~~standards of care in the community, or the licensee has good reason to~~  
21 ~~believe that the family wishes embalming. If embalming is performed~~  
22 ~~under these circumstances, the licensee shall not be deemed to be in~~  
23 ~~violation of the provisions of this subsection.~~

24 (~~(c)~~) The funeral director or embalmer shall inform the family  
25 member or representative of the deceased that embalming is not required  
26 by state law, except that embalming is required under certain  
27 conditions as determined by rule by the state board of health.

28 (2)(a) Any (~~((person))~~) licensee authorized to dispose of human  
29 remains shall refrigerate or embalm the (~~((body within twenty four~~  
30 ~~hours))~~) human remains upon receipt of the (~~((body, unless disposition of~~  
31 ~~the body has been made))~~) human remains. However, subsection (1) of  
32 this section and RCW 68.50.108 shall be complied with before (~~((a body~~  
33 ~~is))~~) human remains are embalmed. Upon written authorization of the  
34 proper state or local authority, the provisions of this subsection may  
35 be waived for a specified period of time.

36 (b) Violation of this subsection is a gross misdemeanor.

1       **Sec. 18.** RCW 18.39.217 and 2003 c 53 s 128 are each amended to  
2 read as follows:

3       (1) A (~~permit~~) license or endorsement issued by the board or  
4 under chapter 68.05 RCW is required in order to operate a crematory or  
5 conduct a cremation.

6       (2) Conducting a cremation without a (~~permit~~) license or  
7 endorsement is a misdemeanor. Each such cremation is a separate  
8 violation.

9       (3) Crematories owned or operated by or located on property  
10 licensed as a funeral establishment shall be regulated by the board  
11 (~~of funeral directors and embalmers~~). Crematories not affiliated  
12 with a funeral establishment shall be regulated by the cemetery board.

13       **Sec. 19.** RCW 18.39.220 and 2003 c 53 s 129 are each amended to  
14 read as follows:

15       (1) Every (~~funeral director or embalmer~~) licensee who pays, or  
16 causes to be paid, directly or indirectly, money, or other valuable  
17 consideration, for the securing of business(~~(, and every person who~~  
18 ~~accepts money, or other valuable consideration, directly or indirectly,~~  
19 ~~from a funeral director or from an embalmer, in order that the latter~~  
20 ~~may obtain business)) is guilty of a gross misdemeanor.~~

21       (2) Every person who sells, or offers for sale, any share,  
22 certificate, or interest in the business of any funeral director or  
23 embalmer, or in any corporation, firm, or association owning or  
24 operating a funeral establishment, which promises (~~or purports~~) to  
25 give to the purchaser a right to the services of the funeral director,  
26 embalmer, or corporation, firm, or association at a charge or cost less  
27 than that offered or given to the public, is guilty of a gross  
28 misdemeanor.

29       **Sec. 20.** RCW 18.39.231 and 2003 c 53 s 130 are each amended to  
30 read as follows:

31       (1) A (~~funeral director or any person under the supervision of a~~  
32 ~~funeral director~~) licensee shall not, in conjunction with any  
33 professional services performed for compensation under this chapter,  
34 provide financial or investment advice to any person other than a  
35 family member, represent any person in a real estate transaction, or  
36 act as an agent under a power of attorney for any person. However,

1 this section shall not be deemed to prohibit a funeral establishment  
2 from entering into prearrangement funeral service contracts in  
3 accordance with this chapter or to prohibit a funeral director from  
4 providing advice about government or insurance benefits.

5 (2) A violation of this section is a gross misdemeanor and is  
6 grounds for disciplinary action.

7 (3) The board shall adopt (~~such~~) rules as the board deems  
8 (~~reasonably~~) necessary to prevent unethical financial dealings  
9 between (~~funeral directors~~) licensees and their clients.

10 **Sec. 21.** RCW 18.39.250 and 1996 c 217 s 8 are each amended to read  
11 as follows:

12 (1) Any funeral establishment selling funeral merchandise or  
13 services by prearrangement funeral service contract and accepting  
14 moneys therefore shall establish and maintain one or more  
15 prearrangement funeral service trusts under Washington state law with  
16 two or more designated trustees, for the benefit of the beneficiary of  
17 the prearrangement funeral service contract (~~(or)~~). Funeral  
18 establishments may join with one or more other Washington state  
19 licensed funeral establishments in a "master trust" provided that each  
20 member of the "master trust" shall comply individually with the  
21 requirements of this chapter.

22 (2) Up to ten percent of the cash purchase price of each  
23 prearrangement funeral service contract, excluding sales tax, may be  
24 retained by the funeral establishment unless otherwise provided in this  
25 chapter. If the prearrangement funeral service contract is canceled  
26 within thirty calendar days of its signing, then the purchaser shall  
27 receive a full refund of all moneys paid under the contract.

28 (3) At least ninety percent of the cash purchase price of each  
29 prearrangement funeral service contract, paid in advance, excluding  
30 sales tax, shall be placed in the trust established or utilized by the  
31 funeral establishment. Deposits to the prearrangement funeral service  
32 trust shall be made not later than the twentieth day of the month  
33 following receipt of each payment made on the last ninety percent of  
34 each prearrangement funeral service contract, excluding sales tax.

35 (4) All prearrangement funeral service trust moneys shall be  
36 deposited in an insured account in a (~~qualified~~) public depository or  
37 shall be invested in instruments issued or insured by any agency of the

1 federal government (~~if these securities are held in a public~~  
2 ~~depository~~). The account or investments shall be designated as the  
3 prearrangement funeral service trust of the funeral establishment for  
4 the benefit of the beneficiaries named in the prearrangement funeral  
5 service contracts. The prearrangement funeral service trust shall not  
6 be considered as, (~~nor shall it be~~) or used as, an asset of the  
7 funeral establishment.

8 (5) After deduction of reasonable fees for the administration of  
9 the trust, taxes paid or withheld, or other expenses of the trust, all  
10 interest, dividends, (~~increases,~~) or (~~accretions of whatever~~  
11 ~~nature~~) growth earned by a trust (~~shall be kept unimpaired and~~)  
12 shall become a part of the trust. Adequate records shall be maintained  
13 to allocate the share of principal and interest to each contract. Fees  
14 deducted for the administration of the trust shall not exceed one  
15 percent per year of the amount in trust. In no instance shall the  
16 administrative charges deducted from the prearrangement funeral service  
17 trust reduce, diminish, or in any other way lessen the value of the  
18 trust so that the services or merchandise provided for under the  
19 contract are reduced, diminished, or in any other way lessened.

20 (6) Except as otherwise provided in this chapter, the trustees of  
21 a prearrangement funeral service trust shall permit withdrawal of all  
22 funds deposited under a prearrangement funeral service contract, plus  
23 accruals thereon, under the following circumstances and conditions:

24 (a) If the funeral establishment files a verified statement with  
25 the trustees that the prearrangement funeral merchandise and services  
26 covered by the contract have been furnished and delivered in accordance  
27 therewith; or

28 (b) If the funeral establishment files a verified statement with  
29 the trustees that the prearrangement funeral merchandise and services  
30 covered by the contract have been canceled in accordance with its  
31 terms.

32 (7) Subsequent to the thirty calendar day cancellation period  
33 provided for in this chapter, any purchaser or beneficiary who has a  
34 revocable prearrangement funeral service contract has the right to  
35 demand a refund of the amount in trust.

36 (8) Prearrangement funeral service contracts which have or should  
37 have an account in a prearrangement funeral service trust may be  
38 terminated by the board if the funeral establishment goes out of



1 business, becomes insolvent or bankrupt, makes an assignment for the  
2 benefit of creditors, has its prearrangement funeral service  
3 certificate of registration revoked, or for any other reason is unable  
4 to fulfill the obligations under the contract. In such event, or upon  
5 demand by the purchaser or beneficiary of the prearrangement funeral  
6 service contract, the funeral establishment shall refund to the  
7 purchaser or beneficiary all moneys deposited in the trust and  
8 allocated to the contract unless otherwise ordered by a court of  
9 competent jurisdiction. The purchaser or beneficiary may, in lieu of  
10 a refund, elect to transfer the prearrangement funeral service contract  
11 and all amounts in trust to another funeral establishment licensed  
12 under this chapter which will agree, by endorsement to the contract, to  
13 be bound by the contract and to provide the funeral merchandise or  
14 services. Election of this option shall not relieve the defaulting  
15 funeral establishment of its obligation to the purchaser or beneficiary  
16 for any amounts required to be, but not placed, in trust.

17 (9) Prior to the sale or transfer of ownership or control of any  
18 funeral establishment which has contracted for prearrangement funeral  
19 service contracts, any person, corporation, or other legal entity  
20 desiring to acquire such ownership or control shall apply to the  
21 director in accordance with RCW 18.39.145. Persons and business  
22 entities selling or relinquishing, and persons and business entities  
23 purchasing or acquiring ownership or control of such funeral  
24 establishments shall each verify and attest to a report showing the  
25 status of the prearrangement funeral service trust or trusts on the  
26 date of the sale. This report shall be on a form prescribed by the  
27 board and shall be considered part of the application for a funeral  
28 establishment license. In the event of failure to comply with this  
29 subsection, the funeral establishment shall be deemed to have gone out  
30 of business and the provisions of subsection (8) of this section shall  
31 apply.

32 (10) Prearrangement funeral service trust moneys shall not be used,  
33 directly or indirectly, for the benefit of the funeral establishment or  
34 any director, officer, agent, or employee of the funeral establishment  
35 including, but not limited to, any encumbrance, pledge, or other use of  
36 prearrangement funeral service trust moneys as collateral or other  
37 security.

1 (11)(a) If, at the time of the signing of the prearrangement  
2 funeral service contract, the beneficiary of the trust is a recipient  
3 of public assistance as defined in RCW 74.04.005, or reasonably  
4 anticipates being so defined, the contract may provide that the trust  
5 will be irrevocable. If after the contract is entered into, the  
6 beneficiary becomes eligible or seeks to become eligible for public  
7 assistance under Title 74 RCW, the contract may provide for an election  
8 by the beneficiary, or by the purchaser on behalf of the beneficiary,  
9 to make the trust irrevocable thereafter in order to become or remain  
10 eligible for such assistance.

11 (b) The department of social and health services shall notify the  
12 trustee of any prearrangement service trust that the department has a  
13 claim on the estate of a beneficiary for long-term care services. Such  
14 notice shall be renewed at least every three years. The trustees upon  
15 becoming aware of the death of a beneficiary shall give notice to the  
16 department of social and health services, office of financial recovery,  
17 who shall file any claim there may be within thirty days of the notice.

18 (12) Every prearrangement funeral service contract financed through  
19 a prearrangement funeral service trust shall contain language which:

20 (a) Informs the purchaser of the prearrangement funeral service  
21 trust and the amount to be deposited in the trust;

22 (b) Indicates if the contract is revocable or not in accordance  
23 with subsection (11) of this section;

24 (c) Specifies that a full refund of all moneys paid on the contract  
25 will be made if the contract is canceled within thirty calendar days of  
26 its signing;

27 (d) Specifies that, in the case of cancellation by a purchaser or  
28 beneficiary eligible to cancel under the contract or under this  
29 chapter, up to ten percent of the contract amount may be retained by  
30 the seller to cover the necessary expenses of selling and setting up  
31 the contract;

32 (e) Identifies the trust to be used and contains information as to  
33 how the trustees may be contacted.

34 **Sec. 22.** RCW 18.39.255 and 1995 1st sp.s. c 18 s 63 are each  
35 amended to read as follows:

36 Prearranged funeral service contracts funded through insurance  
37 shall contain language which:

- 1 (1) States the amount of insurance;
- 2 (2) Informs the purchaser of the name and address of the insurance  
3 company through which the insurance will be provided(~~(, the policy~~  
4 ~~number,)~~) and the name of the beneficiary;
- 5 (3) Informs the purchaser that amounts paid for insurance may not  
6 be refundable;
- 7 (4) Informs that any funds from the policy not used for services  
8 may be subject to a claim for reimbursement for long-term care services  
9 paid for by the state; and
- 10 (5) States that for purposes of the contract, the procedures in RCW  
11 18.39.250(11)(b) shall control such recoupment.

12 **Sec. 23.** RCW 18.39.345 and 1989 c 390 s 10 are each amended to  
13 read as follows:

14 (1) The board shall examine a prearrangement funeral service trust  
15 whenever it deems it necessary, but at least once every three years, or  
16 whenever the licensee fails after reasonable notice from the board to  
17 file the reports required by this chapter or the board.

18 (2) The expense of the prearrangement funeral service trust  
19 examination shall be paid by the licensee and shall not be deducted  
20 from the earnings of the trust. (~~In the case of a "master trust," the~~  
21 ~~expense of the prearrangement funeral service trust examination shall~~  
22 ~~be shared jointly by all funeral establishments participating in such~~  
23 ~~trust.))~~

24 (3) Such examination shall be conducted in private in the principal  
25 office of the licensee and the records relating to prearrangement  
26 funeral service contracts and prearrangement funeral service trusts  
27 shall be available at such office.

28 **Sec. 24.** RCW 18.39.410 and 2002 c 86 s 221 are each amended to  
29 read as follows:

30 In addition to the unprofessional conduct described in RCW  
31 18.235.130, the board may take disciplinary action and may impose any  
32 of the sanctions specified in RCW 18.235.110 for the following conduct,  
33 acts, or conditions:

34 (1) Solicitation of (~~dead~~) human (~~bodies~~) remains by a  
35 licensee, registrant, endorsement, or permit holder, or agent,  
36 assistant, or employee of the licensee, registrant, endorsement, or

1 permit holder whether the solicitation occurs after death or while  
2 death is impending. This chapter does not prohibit general advertising  
3 or the sale of prearrangement funeral service contracts;

4 (2) Solicitation may include employment of solicitors, payment of  
5 commission, bonus, rebate, or any form of gratuity or payment of a  
6 finders fee, referral fee, or other consideration given for the purpose  
7 of obtaining or providing the services for ((a-dead)) human ((body))  
8 remains or where death is impending;

9 (3) Acceptance by a licensee, registrant, endorsement, or permit  
10 holder or other employee of a funeral establishment of a commission,  
11 bonus, rebate, or gratuity in consideration of directing business to a  
12 cemetery, crematory, mausoleum, columbarium, florist, or other person  
13 providing goods and services to the disposition of ((dead)) human  
14 ((bodies)) remains;

15 (4) Using a casket or part of a casket that has previously been  
16 used as a receptacle for, or in connection with, the burial or other  
17 disposition of ((a-dead)) human ((body)) remains without the written  
18 consent of the person lawfully entitled to control the disposition of  
19 remains of the deceased person in accordance with RCW 68.50.160. This  
20 subsection does not prohibit the use of rental caskets, such as caskets  
21 of which the outer shell portion is rented and the inner insert that  
22 contains the ((dead)) human ((body)) remains is purchased and used for  
23 the disposition, that are disclosed as such in the statement of funeral  
24 goods and services;

25 (5) Violation of a state law, municipal law, or county ordinance or  
26 regulation affecting the handling, custody, care, transportation, or  
27 disposition of ((dead)) human ((bodies)) remains;

28 (6) Refusing to promptly surrender the custody of ((a-dead)) human  
29 ((body)) remains upon the expressed order of the person lawfully  
30 entitled to its custody under RCW 68.50.160;

31 (7) Selling, or offering for sale, a share, certificate, or an  
32 interest in the business of a funeral establishment, or in a  
33 corporation, firm, or association owning or operating a funeral  
34 establishment that promises or purports to give to purchasers a right  
35 to the services of a licensee, registrant, endorsement, or permit  
36 holder at a charge or cost less than offered or given to the public;

37 (8) Violation of any state or federal statute or administrative  
38 ruling relating to funeral practice;

1 (9) Knowingly concealing information concerning a violation of this  
2 title.

3 **Sec. 25.** RCW 18.39.800 and 1996 c 217 s 9 are each amended to read  
4 as follows:

5 The funeral directors and embalmers account is created in the state  
6 treasury. All fees received by the department for licenses,  
7 registrations, renewals, examinations, and audits shall be forwarded to  
8 the state treasurer who shall credit the money to the account. All  
9 fines and civil penalties ordered by the superior court or fines  
10 ordered pursuant to RCW 18.130.160(8) against holders of licenses or  
11 registrations issued under the provisions of this chapter shall be paid  
12 to the account. All expenses incurred in carrying out the licensing  
13 and registration activities of the department and the state funeral  
14 directors and embalmers board under this chapter shall be paid from the  
15 account as authorized by legislative appropriation. Any residue in the  
16 account shall be accumulated and shall not revert to the general fund  
17 at the end of the biennium. All earnings of investments of balances in  
18 the account shall be credited to the general fund. (~~Any fund balance  
19 remaining in the health professions account attributable to the funeral  
20 director and embalmer professions as of July 1, 1993, shall be  
21 transferred to the funeral directors and embalmers account.~~)

22 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.39 RCW  
23 to read as follows:

24 (1) The director shall issue a certificate of removal registration  
25 to a funeral establishment licensed in another state contiguous to  
26 Washington, with laws substantially similar to the provisions of this  
27 section, for the limited purpose of removing human remains from  
28 Washington prior to submitting a certificate of death. Licensed  
29 funeral establishments wishing to participate must: Apply to the  
30 department of licensing for a certificate of removal registration, on  
31 a form provided by the department, and pay the required application  
32 fee, as set by the director.

33 (2) For purposes of this section, each branch of a registrant's  
34 funeral establishment is a separate establishment and must be  
35 registered as a fixed place of business.

36 (3) Certificates of death are governed by RCW 70.58.160.

1 (4) Notices of removal and disposition permits are governed by RCW  
2 70.58.230.

3 (5) The conduct of funeral directors, embalmers, or any other  
4 person employed by or acting on behalf of a removal registrant is the  
5 direct responsibility of the holder of the certificate of removal  
6 registration.

7 (6) The board may impose sanctions upon the holder of a certificate  
8 of removal registration if the registrant is found to be in violation  
9 of any death care statute or rule.

10 (7) Certificates of removal registration expire January 31st, or as  
11 otherwise determined by the director.

12 **Sec. 27.** RCW 68.04.020 and 1977 c 47 s 1 are each amended to read  
13 as follows:

14 "Human remains" or "remains" means the body of a deceased person,  
15 ~~((and))~~ includes the body in any stage of decomposition ~~((except)), and~~  
16 includes cremated human remains.

17 **Sec. 28.** RCW 68.04.030 and 1977 c 47 s 2 are each amended to read  
18 as follows:

19 "Cremated human remains" means ~~((a human body after))~~ the end  
20 products of cremation ~~((in a crematory))~~.

21 **Sec. 29.** RCW 68.04.040 and 1990 c 92 s 7 are each amended to read  
22 as follows:

23 "Cemetery" means: (1) Any one, or a combination of more than one,  
24 of the following, in a place used, or intended to be used~~((r))~~ for the  
25 placement of human remains and dedicated, for cemetery purposes:

- 26 (a) A burial park, for earth interments.
  - 27 (b) A mausoleum, for crypt interments.
  - 28 (c) A columbarium, for permanent ~~((einerary))~~ niche interments; or
- 29 (2) For the purposes of chapter 68.60 RCW only, "cemetery" means  
30 any burial site, burial grounds, or place where five or more human  
31 remains are buried. Unless a cemetery is designated as a parcel of  
32 land identifiable and unique as a cemetery within the records of the  
33 county assessor, a cemetery's boundaries shall be a minimum of ten feet  
34 in any direction from any burials therein.

1       **Sec. 30.** RCW 68.04.070 and 1943 c 247 s 7 are each amended to read  
2 as follows:

3       "Crematory" means a building or ~~((structure containing one or more~~  
4 ~~retorts for the reduction of bodies of deceased persons to cremated))~~  
5 area of a building that houses one or more cremation chambers, to be  
6 used for the cremation of human remains.

7       **Sec. 31.** RCW 68.04.080 and 1943 c 247 s 8 are each amended to read  
8 as follows:

9       "Columbarium" means a structure, room, or other space in a building  
10 or structure containing niches for permanent ~~((inurnment))~~ placement of  
11 cremated human remains in a place used, or intended to be used, and  
12 dedicated, for cemetery purposes.

13       **Sec. 32.** RCW 68.04.100 and 1943 c 247 s 10 are each amended to  
14 read as follows:

15       "Interment" means the ~~((disposition))~~ placement of human remains  
16 ~~((by cremation and inurnment, entombment, or burial in a place used, or~~  
17 ~~intended to be used, and dedicated, for cemetery purposes))~~ in a  
18 cemetery.

19       **Sec. 33.** RCW 68.04.110 and 1987 c 331 s 1 are each amended to read  
20 as follows:

21       "Cremation" means the reduction of ~~((the body of a deceased person~~  
22 ~~to cremated))~~ human remains to bone fragments in a crematory ~~((in such~~  
23 ~~a manner that the largest dimension of any remaining particle does not~~  
24 ~~exceed five millimeters: PROVIDED, That if a person entitled to~~  
25 ~~possession of such remains under the provisions of RCW 68.50.270 is~~  
26 ~~going to place the cremated remains in a cemetery, mausoleum,~~  
27 ~~columbarium, or building devoted exclusively to religious purposes, the~~  
28 ~~five millimeter dimension requirement shall not apply))~~ by means of  
29 incineration.

30       **Sec. 34.** RCW 68.04.120 and 1943 c 247 s 12 are each amended to  
31 read as follows:

32       "Inurnment" means placing cremated human remains in ~~((an urn or~~  
33 ~~vault and placing it in a niche))~~ a cemetery.

1           **Sec. 35.** RCW 68.04.130 and 1943 c 247 s 13 are each amended to  
2 read as follows:

3           "Entombment" means the placement of human remains in a crypt (~~or~~  
4 ~~vault~~)).

5           **Sec. 36.** RCW 68.04.160 and 1979 c 21 s 3 are each amended to read  
6 as follows:

7           "Crypt" means a space in a mausoleum (~~of sufficient size, used or~~  
8 ~~intended to be used, to entomb uncremated~~)) for the placement of human  
9 remains.

10           **Sec. 37.** RCW 68.04.165 and 1979 c 21 s 4 are each amended to read  
11 as follows:

12           (~~"Vault", "lawn crypt" or "liner"~~)) "Outer burial container" means  
13 any container which is buried in the ground (~~and into which~~)) for the  
14 placement of human remains (~~are placed~~)) in the burial process. Outer  
15 burial containers include, but are not limited to vaults, lawn crypts,  
16 and liners.

17           **Sec. 38.** RCW 68.04.170 and 1943 c 247 s 17 are each amended to  
18 read as follows:

19           "Niche" means a space in a columbarium (~~or urn garden used, or~~  
20 ~~intended to be used,~~) for (~~inurnment~~)) placement of cremated human  
21 remains.

22           **Sec. 39.** RCW 68.04.190 and 1943 c 247 s 19 are each amended to  
23 read as follows:

24           "Cemetery authority" (~~includes cemetery corporation, association,~~  
25 ~~corporation sole, or other person owning or controlling cemetery lands~~  
26 ~~or property~~)) means an entity that has obtained a certificate of  
27 authority to operate a cemetery from the cemetery board, or any other  
28 entity that operates a cemetery that is not under the jurisdiction of  
29 the cemetery board.

30           **Sec. 40.** RCW 68.04.210 and 1943 c 247 s 21 are each amended to  
31 read as follows:

32           "Cemetery business" (~~, "cemetery businesses", and "cemetery~~  
33 ~~purposes" are used interchangeably and mean any and all business and~~



1 ~~purposes requisite to, necessary for, or incident to,~~) includes  
2 establishing, maintaining, operating, and improving(~~(, or conducting)~~)  
3 a cemetery(~~(, interring)~~) for the placement of human remains, and the  
4 care(~~(,)~~) and preservation(~~(, and embellishment)~~) of the cemetery  
5 property.

6 **Sec. 41.** RCW 68.04.230 and 1943 c 247 s 23 are each amended to  
7 read as follows:

8 "Lot"(~~(,)~~) or "plot"(~~(, or "interment plot")~~) means space in a  
9 cemetery, used or intended to be used for the interment of human  
10 remains. (~~(Such terms include and apply to one or more than one~~  
11 ~~adjoining graves, one or more than one adjoining crypts or vaults, or~~  
12 ~~one or more than one adjoining niches.)~~)

13 NEW SECTION. **Sec. 42.** A new section is added to chapter 68.04 RCW  
14 to read as follows:

15 "Interment right" means the right to inter human remains in a  
16 particular space in a cemetery.

17 NEW SECTION. **Sec. 43.** A new section is added to chapter 68.04 RCW  
18 to read as follows:

19 "Scattering garden" means a designated area in a cemetery for the  
20 scattering of cremated human remains.

21 NEW SECTION. **Sec. 44.** A new section is added to chapter 68.04 RCW  
22 to read as follows:

23 "Scattering" means the removal of cremated human remains from their  
24 container for the purpose of scattering the cremated human remains in  
25 any lawful manner.

26 **Sec. 45.** RCW 68.04.240 and 1943 c 247 s 24 are each amended to  
27 read as follows:

28 (~~("Plot owner", "owner", or "lot proprietor")~~) "Owner of interment  
29 rights" means any person (~~(in whose name an interment plot stands of~~  
30 ~~record as owner,~~) who is listed as the owner of record of a right or  
31 rights of interment in the office of a cemetery authority.

1           **Sec. 46.** RCW 68.05.010 and 1953 c 290 s 26 are each amended to  
2 read as follows:

3           The definitions in chapter 68.04 RCW are applicable to this chapter  
4 and govern the meaning of terms used ~~((herein))~~ in this chapter, except  
5 as otherwise provided ~~((expressly or by necessary implication))~~.

6           **Sec. 47.** RCW 68.05.030 and 1987 c 331 s 4 are each amended to read  
7 as follows:

8           The terms "endowment care" or "endowed care" used in this chapter  
9 shall include special care~~((, care, or maintenance))~~ funds and all  
10 funds held for or represented as maintenance funds.

11           **Sec. 48.** RCW 68.05.040 and 1987 c 331 s 5 are each amended to read  
12 as follows:

13           A cemetery board is created to consist of ~~((six))~~ five members to  
14 be appointed by the governor. Appointments shall be for four-year  
15 terms. Each member shall hold office until the expiration of the term  
16 for which the member is appointed or until a successor has been  
17 appointed and qualified.

18           **Sec. 49.** RCW 68.05.050 and 1979 c 21 s 5 are each amended to read  
19 as follows:

20           ~~((Three))~~ Four members of the board shall be persons who have had  
21 experience in this state in the active administrative management of a  
22 cemetery authority or as a member of ~~((the))~~ a cemetery's board of  
23 directors ~~((thereof))~~. ~~((Two members of the board shall be persons who  
24 have legal, accounting, or other professional experience which relates  
25 to the duties of the board. The sixth))~~ One member of the board shall  
26 represent the general public and shall not have a financial interest in  
27 the cemetery business.

28           **Sec. 50.** RCW 68.05.080 and 1987 c 331 s 6 are each amended to read  
29 as follows:

30           The board shall meet at least ~~((twice))~~ once a year in order to  
31 conduct its business ~~((and))~~. The board may meet at ~~((such))~~ other  
32 designated times as ~~((it may designate.))~~ determined by the chair, the  
33 director, or a majority of board members ~~((may call a meeting))~~. The  
34 board may meet at any place within this state.

1       **Sec. 51.** RCW 68.05.090 and 1987 c 331 s 7 are each amended to read  
2 as follows:

3       The board shall enforce and administer the provisions of chapters  
4 68.04 through 68.50 RCW, subject to provisions of RCW (~~(68.05.280)~~)  
5 68.05.400. The board may adopt and amend bylaws establishing its  
6 organization and method of operation. (~~(In addition to enforcement of~~  
7 ~~this chapter the board shall enforce chapters 68.20, 68.24, 68.28,~~  
8 ~~68.32, 68.36, 68.40, 68.44, 68.46, and 68.50 RCW.)~~) The board may  
9 refer such evidence as may be available concerning violations of  
10 chapters (~~(68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, 68.46,~~  
11 ~~and)~~) 68.04 through 68.50 RCW to the attorney general or the proper  
12 prosecuting attorney, who may in his or her discretion, with or without  
13 such a reference, in addition to any other action the board might  
14 commence, bring an action (~~(in the name of the board)~~) against any  
15 person to restrain (~~and~~) or prevent the doing of any act or practice  
16 prohibited or declared unlawful in chapters (~~(68.20, 68.24, 68.28,~~  
17 ~~68.32, 68.36, 68.40, 68.44, 68.46, or)~~) 68.04 through 68.50 RCW and  
18 shall have standing to seek enforcement of said provisions in the  
19 superior court of the state of Washington for the county in which the  
20 principal office of the cemetery authority is located.

21       **Sec. 52.** RCW 68.05.100 and 1993 c 43 s 3 are each amended to read  
22 as follows:

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

30       **Sec. 53.** RCW 68.05.105 and 2002 c 86 s 316 are each amended to  
31 read as follows:

32       In addition to the authority in RCW 18.235.030, the board has the  
33 following authority:

34       (1) To adopt, amend, and rescind (~~(such)~~) rules (~~(as are deemed)~~)  
35 necessary to carry out this title; and

36       (2) To adopt standards of professional conduct or practice.

1       **Sec. 54.** RCW 68.05.115 and 1987 c 331 s 11 are each amended to  
2 read as follows:

3       Prior to the sale or transfer of ownership or control of any  
4 cemetery authority or the creation of a new cemetery, any person(~~(~~  
5 ~~corporation~~~~))~~ or (~~(~~~~other legal~~~~)~~) entity desiring to acquire such  
6 ownership or control or (~~(~~~~desiring~~~~)~~) to create a new cemetery shall  
7 apply in writing to the board for a new certificate of authority to  
8 operate a cemetery (~~(~~~~and shall comply with all provisions of Title 68~~  
9 ~~RCW relating to applications for, and the basis for granting, an~~  
10 ~~original certificate of authority)~~). The board shall(~~(~~~~in addition,~~~~)~~)  
11 enter any order deemed necessary for the protection of all endowment  
12 care funds and/or prearrangement trust fund during such transfer. As  
13 a condition of applying for a new certificate of authority, the entity  
14 desiring to acquire such ownership or control must agree to be bound by  
15 all then existing prearrangement contracts (~~(~~~~and the board shall enter~~  
16 ~~that agreement as a condition of the transfer)~~). Persons and business  
17 entities selling and persons and business entities purchasing ownership  
18 or control of a cemetery authority shall each verify and attest to an  
19 endowment care fund report and/or a prearrangement trust fund report  
20 showing the status of such funds on the date of the sale on a written  
21 report form prescribed by the board. Such reports shall be considered  
22 part of the application for authority to operate. Failure to comply  
23 with this section shall be a gross misdemeanor and any sale or transfer  
24 in violation of this section shall be void.

25       **Sec. 55.** RCW 68.05.150 and 1979 c 21 s 8 are each amended to read  
26 as follows:

27       In making such examination the board:

28       (1) Shall have free access to the books and records relating to the  
29 endowment care funds(~~(~~~~, their collection and investment, and the number~~  
30 ~~of graves, crypts, and niches under endowment care)~~) and prearrangement  
31 trust funds;

32       (2) Shall inspect and examine the endowment care funds and  
33 prearrangement trust funds to determine their condition and the  
34 (~~(~~~~existence)~~) status of the investments; and

35       (3) Shall (~~(~~~~ascertain if)~~) verify that the cemetery authority has  
36 complied with all the laws applicable to endowment care funds(~~(~~~~+~~

1       ~~(4) Shall have free access to all records required to be maintained~~  
2 ~~pursuant to this chapter and to chapter 68.46 RCW with respect to~~  
3 ~~prearrangement merchandise or services, unconstructed crypts or niches,~~  
4 ~~or undeveloped graves; and~~

5       ~~(5) Shall ascertain if the cemetery authority has complied with the~~  
6 ~~laws applicable to)) and prearrangement trust funds.~~

7       **Sec. 56.** RCW 68.05.170 and 2002 c 86 s 317 are each amended to  
8 read as follows:

9       (1) Whenever the board finds, after notice and hearing, that any  
10 endowment care funds have been invested in violation of this title, it  
11 may by written order mailed to the person or body in charge of the fund  
12 require the reinvestment of the funds in conformity with this title  
13 within the period specified by it which shall be not more than six  
14 months. Such period may be extended by the board in its discretion.

15       (2) The board may bring actions for the preservation and protection  
16 of endowment care funds in the superior court of the county in which  
17 the cemetery is located (~~and~~). The court shall appoint substitute  
18 trustees and make any other order which may be necessary for the  
19 preservation, protection, and recovery of endowment care funds,  
20 whenever a cemetery authority or the trustees of its fund have:

21       (a) Transferred or attempted to transfer any property to, or made  
22 any loan from, the endowment care funds for the benefit of the cemetery  
23 authority or any director, officer, agent or employee of the cemetery  
24 authority or trustee of any endowment care funds; or,

25       (b) Failed to reinvest endowment care funds in accordance with a  
26 board order issued under subsection (1) of this section; or,

27       (c) Invested endowment care funds in violation of this title; or,

28       (d) Taken action or failed to take action to preserve and protect  
29 the endowment care funds(~~(, evidencing a lack of concern therefor)~~);  
30 or,

31       (e) Become financially irresponsible or transferred control of the  
32 cemetery authority to any person who, or business entity which, is  
33 financially irresponsible; or,

34       (f) Is in danger of becoming insolvent or has gone into bankruptcy  
35 or receivership; or,

36       (g) Taken any action in violation of Title 68 RCW or failed to take

1 action required by Title 68 RCW or has failed to comply with lawful  
2 rules and orders of the board.

3 (3) Whenever the board or its representative has reason to believe  
4 that endowment care funds or prearrangement trust funds are in danger  
5 of being lost or (~~dissipated~~) diminished during the time required for  
6 notice and hearing, it may immediately impound or seize documents,  
7 financial instruments, or other trust fund assets, or take other  
8 actions deemed necessary under the circumstances for the preservation  
9 and protection of endowment care funds or prearrangement trust funds,  
10 including, but not limited to, immediate substitutions of trustees.

11 **Sec. 57.** RCW 68.05.173 and 1987 c 331 s 24 are each amended to  
12 read as follows:

13 Upon violation of any of the provisions of this title, the board  
14 may revoke or suspend the certificate of authority (~~and may revoke,~~  
15 ~~suspend, or terminate the prearrangement sales license of any cemetery~~  
16 ~~authority~~) or any other license issued by the board.

17 **Sec. 58.** RCW 68.05.195 and 1987 c 331 s 15 are each amended to  
18 read as follows:

19 Any person other than persons defined in RCW 68.50.160 who buries  
20 or (~~otherwise disposes of~~) scatters cremated remains by land, (~~by~~)  
21 air, or (~~by~~) sea or performs any other disposition of cremated human  
22 remains outside of a cemetery shall have a permit (~~or endorsement~~)  
23 issued in accordance with RCW 68.05.100 and shall be subject to that  
24 section.

25 **Sec. 59.** RCW 68.05.210 and 1969 ex.s. c 99 s 2 are each amended to  
26 read as follows:

27 The board may require such proof as it deems advisable concerning  
28 the compliance by such applicant to all the laws, rules, regulations,  
29 ordinances and orders applicable to it. The board shall also require  
30 proof that the applicant and its officers and directors are financially  
31 responsible, (~~trustworthy and have good personal and business~~  
32 ~~reputations,~~) in order that only cemeteries of permanent benefit to  
33 the community in which they are located will be established in this  
34 state.

1       **Sec. 60.** RCW 68.05.215 and 1987 c 331 s 17 are each amended to  
2 read as follows:

3       The regulatory charges for cemetery certificates at all periods of  
4 the year are the same as provided in this chapter. All regulatory  
5 charges are payable at the time of the filing of the application and in  
6 advance of the issuance of the certificates. All certificates shall be  
7 issued for the year and shall expire at midnight, the thirty-first day  
8 of January of each year, or at whatever time during any year that  
9 ownership or control of any cemetery authority is transferred or sold.  
10 Cemetery certificates shall not be transferable. ~~((Failure to pay the  
11 regulatory charge fixed by the director prior to the first day of  
12 February for any year automatically shall suspend the certificate of  
13 authority. Such certificate may be restored upon payment to the  
14 department of the prescribed charges.))~~

15       **Sec. 61.** RCW 68.05.225 and 1987 c 331 s 18 are each amended to  
16 read as follows:

17       All prearrangement sales licenses issued under this chapter shall  
18 be issued for the year and shall expire at midnight, the thirty-first  
19 day of January of each year, or at whatever time during any year that  
20 ownership or control of any cemetery authority is transferred or sold.

21       The director, in accordance with RCW 43.24.086, shall set and the  
22 department shall collect in advance the fees required for licensing.

23       ~~((Failure to pay the regulatory charge fixed by the director before  
24 the first day of February for any year shall automatically suspend the  
25 license. Such license may be restored upon payment to the department  
26 of the prescribed charges.))~~

27       **Sec. 62.** RCW 68.05.235 and 2002 c 86 s 318 are each amended to  
28 read as follows:

29       (1) Each authorized cemetery authority shall, within ninety days  
30 after the close of its accounting year, file with the board ~~((upon the  
31 board's request a true and accurate statement of its financial  
32 condition, transactions, and affairs))~~ an endowment care trust fund  
33 report and a prearrangement trust fund report for the preceding year.  
34 The ~~((statement))~~ reports shall be on such forms and shall contain such  
35 information as required by this chapter and by the board.

1 (2) The failure to file a (~~statement~~) report as required under  
2 subsection (1) of this section constitutes unprofessional conduct for  
3 which the board may take disciplinary action against the prearrangement  
4 sales license of the cemetery authority. In addition, the board may  
5 take disciplinary action against any other license held by the cemetery  
6 authority.

7 **Sec. 63.** RCW 68.05.240 and 1953 c 290 s 52 are each amended to  
8 read as follows:

9 It shall be a misdemeanor for any cemetery authority to make any  
10 interment without a valid, (~~subsisting, and~~) unsuspended certificate  
11 of authority. Each interment shall be a separate violation.

12 **Sec. 64.** RCW 68.05.245 and 1987 c 331 s 20 are each amended to  
13 read as follows:

14 All crematory permits or endorsements issued under this chapter  
15 shall be issued for the year and shall expire at midnight, the thirty-  
16 first day of January of each year, or at whatever time during any year  
17 that ownership or control of any cemetery authority which operates such  
18 crematory is transferred or sold.

19 The director shall set and the department shall collect in advance  
20 the fees required for licensing.

21 (~~Failure to pay the regulatory charge fixed by the director before  
22 the first day of February for any year shall automatically suspend the  
23 permit or endorsement. Such permit or endorsement may be restored upon  
24 payment to the department of the prescribed charges.))~~)

25 **Sec. 65.** RCW 68.05.254 and 1987 c 331 s 21 are each amended to  
26 read as follows:

27 (1) The board shall examine the endowment care and prearrangement  
28 trust fund or funds of a cemetery authority:

29 (a) Whenever it deems necessary, but at least once every three  
30 years after the original examination except where the cemetery  
31 authority is either required by the board to, or voluntarily files an  
32 annual financial report for the fund certified by a certified public  
33 accountant or a licensed public accountant in accordance with generally  
34 accepted auditing standards;



1 (b) One year following the issuance of a new certificate of  
2 authority;

3 (c) Whenever the cemetery authority in charge of endowment care or  
4 prearrangement trust fund or funds fails after reasonable notice from  
5 the board to file the reports required by this chapter; or

6 (d) Whenever it is requested by verified petition signed by twenty-  
7 five lot owners alleging that the endowment care funds are not in  
8 compliance with this title, or whenever it is requested by verified  
9 petition signed by twenty-five purchasers or beneficiaries of  
10 prearrangement merchandise or services alleging that the prearrangement  
11 trust funds are not in compliance with this title, in either of which  
12 cases, the examination shall be at the expense of the petitioners.

13 (2) The expense of the endowment care and prearrangement trust  
14 fund examination as provided in subsection (1)(a) and (b) of this  
15 section shall be paid by the cemetery authority. Such examination  
16 shall be privately conducted in the principal office of the cemetery  
17 authority.

18 (3) The requirements that examinations be conducted once every  
19 three years and that they be conducted in the principal office of the  
20 cemetery authority do not apply to any endowment care or prearrangement  
21 fund that is less than twenty-five thousand dollars. The board shall,  
22 at its discretion, decide when and where the examinations shall take  
23 place.

24 (4) Examination expenses incurred in conjunction with a transfer of  
25 ownership of a cemetery must be paid by the selling entity.

26 (5) All examination expense moneys collected by the department must  
27 be paid to the cemetery account created in RCW 68.05.285.

28 **Sec. 66.** RCW 68.05.259 and 2002 c 86 s 319 are each amended to  
29 read as follows:

30 If any cemetery authority refuses to pay any examination expenses  
31 within thirty days of completion of the examination or refuses to pay  
32 certain examination expenses in advance as required by the department  
33 for cause, the board may take disciplinary action against any existing  
34 certificate of authority. ~~((Examination expenses incurred in~~  
35 ~~conjunction with a transfer of ownership of a cemetery shall be paid by~~  
36 ~~the selling entity. All examination expense moneys collected by the~~  
37 ~~department shall be paid to the program account.))~~

1       **Sec. 67.** RCW 68.05.285 and 1953 c 290 s 29 are each amended to  
2 read as follows:

3       (~~There shall be, in the office of~~) The cemetery account is  
4 created in the custody of the state treasurer(~~(, a fund to be known and~~  
5 ~~designated as the "cemetery fund."~~ All regulatory fees or other moneys  
6 to be paid under this chapter, unless provision be made otherwise,  
7 shall be paid at least once a month to the state treasurer to be  
8 credited to the cemetery fund. All moneys credited to the cemetery  
9 fund shall be used, when appropriated by the legislature, by the  
10 cemetery board to carry out the provisions of this chapter)). All  
11 moneys received under this chapter must be deposited in the account.  
12 Expenditures from the account may be used only for the purposes of this  
13 chapter. Only the cemetery board may authorize expenditures from the  
14 account. The account is subject to allotment procedures under chapter  
15 43.88 RCW, but an appropriation is not required for expenditures.

16       **Sec. 68.** RCW 68.05.290 and 1979 c 21 s 12 are each amended to read  
17 as follows:

18       Members of the board shall be immune from suit in any action, civil  
19 or criminal, based upon any official acts performed in good faith as  
20 members of (~~such~~) the board(~~(, and)~~). The state shall defend,  
21 indemnify, and hold the members of the board harmless from all claims  
22 or suits arising in any manner from such acts. Expenses incurred by  
23 the state under this section shall be paid from the general fund.

24       **Sec. 69.** RCW 68.05.330 and 2002 c 86 s 323 are each amended to  
25 read as follows:

26       Unless specified otherwise in this title, any person who violates  
27 or aids or abets any person in the violation of any of the provisions  
28 of this title shall be guilty of a class C felony punishable under  
29 chapter 9A.20 RCW. A violation shall constitute an unfair practice  
30 under chapter 19.86 RCW and shall be grounds for disciplinary action  
31 against the certificate of authority or any other license issued by the  
32 board under this chapter and chapter 18.235 RCW (~~(or disciplinary~~  
33 ~~action against the prearrangement sales license under this chapter and~~  
34 ~~chapter 18.235 RCW)~~). Retail installment transactions under this  
35 chapter shall be governed by chapter 63.14 RCW. The provisions of this

1 chapter shall ~~((be cumulative and nonexclusive and shall))~~ not affect  
2 any other remedy available at law.

3 **Sec. 70.** RCW 68.05.340 and 2002 c 86 s 324 are each amended to  
4 read as follows:

5 Whenever the board or its authorized representative determines that  
6 a cemetery authority is in violation of this title(~~(, other than~~  
7 ~~engaging in unlicensed activity,~~)) or that the continuation of acts or  
8 practices of the cemetery authority is likely to cause insolvency or  
9 substantial ~~((dissipation))~~ loss of assets or earnings of the cemetery  
10 authority's endowment care or prearrangement trust fund ~~((or to~~  
11 ~~otherwise seriously prejudice the interests of the purchasers or~~  
12 ~~beneficiaries of prearrangement contracts)),~~ the board, or its  
13 authorized representative, may issue a temporary order requiring the  
14 cemetery authority to cease and desist from the violation or practice.  
15 The order shall become effective upon service on the cemetery authority  
16 ~~((and)).~~ The order shall remain effective unless set aside, limited,  
17 or suspended by a court in proceedings under RCW 68.05.350 ~~((or))~~,  
18 until the board dismisses the charges specified in the notice ~~((under~~  
19 ~~RCW 68.05.320))~~, or until the effective date of a cease and desist  
20 order issued against the cemetery authority under RCW 68.05.320.  
21 Actions for unlicensed activity must be conducted under RCW 18.235.150.

22 **Sec. 71.** RCW 68.20.061 and 1943 c 247 s 47 are each amended to  
23 read as follows:

24 It may restrict and limit the use of all property within its  
25 cemetery, including interment rights.

26 **Sec. 72.** RCW 68.20.110 and 1961 c 103 s 2 are each amended to read  
27 as follows:

28 ~~((Such association))~~ Nonprofit cemetery associations shall be  
29 authorized to purchase or take by gift or devise, and hold land exempt  
30 from execution and from any appropriation to public purposes for the  
31 sole purpose of a cemetery not exceeding eighty acres, which shall be  
32 exempt from taxation if intended to be used exclusively for burial  
33 purposes without discrimination as to race, color, national origin or  
34 ancestry, and in nowise with a view to profit of the members of such  
35 association: PROVIDED, That when the land already held by the

1 association is all practically used then the amount thereof may be  
2 increased by adding thereto not exceeding twenty acres at a time.  
3 (~~Such association may by its bylaws provide that a stated percentage~~  
4 ~~of the moneys realized from the sale of lots, donations or other~~  
5 ~~sources of revenue, shall constitute an irreducible fund, which fund~~  
6 ~~may be invested in such manner or loaned upon such securities as the~~  
7 ~~association or the trustees thereof may deem proper. The interest or~~  
8 ~~income arising from the irreducible fund, provided for in any bylaws,~~  
9 ~~or so much thereof as may be necessary, shall be devoted exclusively to~~  
10 ~~the preservation and embellishment of the lots sold to the members of~~  
11 ~~such association, and where any bylaws has been enacted for the~~  
12 ~~creation of an irreducible fund as herein provided for it cannot~~  
13 ~~thereafter be amended in any manner whatever except for the purpose of~~  
14 ~~increasing such fund. After paying for the land all the future~~  
15 ~~receipts and income of such association subject to the provisions~~  
16 ~~herein for the creation of an irreducible fund, whether from the sale~~  
17 ~~of lots, from donations, rents or otherwise, shall be applied~~  
18 ~~exclusively to laying out, preserving, protecting and embellishing the~~  
19 ~~cemetery and the avenues leading thereto, and in the erection of such~~  
20 ~~buildings as may be necessary or convenient for the cemetery purposes,~~  
21 ~~and to paying the necessary expenses of the association. No debts~~  
22 ~~shall be contracted in anticipation of any future receipts except for~~  
23 ~~originally purchasing, laying out and embellishing the grounds and~~  
24 ~~avenues, for which debts so contracted such association may issue bonds~~  
25 ~~or notes and secure the same by way of mortgage upon any of its lands,~~  
26 ~~excepting such lots as shall have been conveyed to the members thereof;~~  
27 ~~and such association shall have power to adopt such rules and~~  
28 ~~regulations as they shall deem expedient for disposing of and for~~  
29 ~~conveying burial lots.))~~)

30 **Sec. 73.** RCW 68.24.010 and 1943 c 247 s 61 are each amended to  
31 read as follows:

32 Cemetery authorities may take by purchase, donation, or devise,  
33 property consisting of lands, mausoleums, crematories, and  
34 columbariums, or other property within which the ~~((interment of the~~  
35 ~~dead))~~ placement of human remains may be authorized by law.

1       **Sec. 74.** RCW 68.24.080 and 1943 c 247 s 68 are each amended to  
2 read as follows:

3       Dedication to cemetery purposes pursuant to this act is not invalid  
4 as violating any laws against perpetuities or the suspension of the  
5 power of alienation of title to or use of property, but is expressly  
6 permitted and shall be deemed to be in respect for the dead, a  
7 provision for the ((interment)) placement of human remains, and a duty  
8 to, and for the benefit of, the general public.

9       **Sec. 75.** RCW 68.24.090 and 1999 c 367 s 2 are each amended to read  
10 as follows:

11       Property dedicated to cemetery purposes shall be held and used  
12 exclusively for cemetery purposes, unless and until the dedication is  
13 removed from all or any part of it by an order and decree of the  
14 superior court of the county in which the property is situated, in a  
15 proceeding brought by the cemetery authority for that purpose and upon  
16 notice of hearing and proof satisfactory to the court:

17       (1) That no ((interments)) placements of human remains were made in  
18 or that all ((interments)) placements of human remains have been  
19 removed from that portion of the property from which dedication is  
20 sought to be removed.

21       (2) That the portion of the property from which dedication is  
22 sought to be removed is not being used for ((interment)) placement of  
23 human remains.

24       (3) That notice of the proposed removal of dedication has been  
25 given in writing to both the cemetery board and the office of  
26 archaeology and historic preservation. This notice must be given at  
27 least sixty days before filing the proceedings in superior court. The  
28 notice of the proposed removal of dedication shall be recorded with the  
29 auditor or recording officer of the county where the cemetery is  
30 located at least sixty days before filing the proceedings in superior  
31 court.

32       **Sec. 76.** RCW 68.24.100 and 1943 c 247 s 77 are each amended to  
33 read as follows:

34       The notice of hearing provided in RCW 68.24.090 shall be given by  
35 publication once a week for at least three consecutive weeks in a  
36 newspaper of general circulation in the county where said cemetery is

1 located, and the posting of copies of the notice in three conspicuous  
2 places on that portion of the property from which the dedication is to  
3 be removed. ~~((Said))~~ The notice shall:

4 (1) Describe the portion of the cemetery property sought to be  
5 removed from dedication.

6 (2) State that all human remains have been removed or that no  
7 interments have been made in the portion of the cemetery property  
8 sought to be removed from dedication.

9 (3) Specify the time and place of the hearing.

10 **Sec. 77.** RCW 68.24.110 and 1943 c 247 s 70 are each amended to  
11 read as follows:

12 After filing the map or plat and recording the declaration of  
13 dedication, a cemetery authority may sell and convey plots or rights of  
14 interment subject to ~~((such))~~ the rules ~~((and regulations as may be~~  
15 ~~then))~~ in effect or thereafter adopted by the cemetery authority~~((~~  
16 ~~and))~~. Plots or rights of interment may be subject to ~~((such))~~ other  
17 ~~((and further))~~ limitations, conditions, and restrictions as may be  
18 ~~((inserted in or made a))~~ part of the declaration of dedication by  
19 reference, or included in the instrument of conveyance of ~~((such))~~ the  
20 plot or rights of interment.

21 **Sec. 78.** RCW 68.24.120 and 1943 c 247 s 71 are each amended to  
22 read as follows:

23 All plots or rights of interment, the use of which has been  
24 conveyed by deed or certificate of ownership as a separate plot or  
25 right of interment, are indivisible except with the consent of the  
26 cemetery authority, or as provided by law.

27 **Sec. 79.** RCW 68.24.130 and 1943 c 247 s 73 are each amended to  
28 read as follows:

29 It shall be unlawful for any person, firm, or corporation to sell  
30 or offer to sell a cemetery plot or right of interment upon the  
31 promise, representation, or inducement of resale at a financial profit.  
32 Each person violating this section shall be guilty of a misdemeanor and  
33 each violation shall constitute a separate offense.

1       **Sec. 80.** RCW 68.24.140 and 1943 c 247 s 74 are each amended to  
2 read as follows:

3       It shall be unlawful for a cemetery authority to pay or offer to  
4 pay to any person, firm, or corporation, directly or indirectly, a  
5 commission or bonus or rebate or other thing of value for the sale of  
6 a plot, right of interment, or services. This shall not apply to an  
7 owner or a person regularly employed by the cemetery authority for such  
8 purpose. Each person violating this section shall be guilty of a  
9 misdemeanor and each violation shall constitute a separate offense.

10       **Sec. 81.** RCW 68.24.150 and 1943 c 247 s 75 are each amended to  
11 read as follows:

12       Every person who pays ~~((or))~~, causes to be paid, or offers to pay  
13 to any other person, firm, or corporation, directly or indirectly,  
14 except as provided in RCW 68.24.140, any commission ~~((or))~~, bonus, or  
15 rebate, or other thing of value in consideration of recommending or  
16 causing ~~((a dead human body to be disposed of))~~ the disposition of  
17 human remains in any crematory or cemetery, is guilty of a misdemeanor  
18 ~~((and))~~. Each violation shall constitute a separate offense.

19       **Sec. 82.** RCW 68.24.160 and 1943 c 247 s 60 are each amended to  
20 read as follows:

21       All mortgages, deeds of trust, and other liens ~~((of any nature,~~  
22 ~~hereafter contracted,))~~ placed ~~((or incurred))~~ upon property which has  
23 been ~~((and was at the time of the creation or placing of the lien,))~~  
24 dedicated as a cemetery ~~((pursuant to this part)), or ((upon property))~~  
25 which is afterwards ~~((, with the consent of the owner of any mortgage,~~  
26 ~~trust deed or lien,))~~ dedicated to cemetery purposes pursuant to this  
27 ~~((part))~~ section, shall not affect or defeat the dedication ~~((, but))~~.  
28 The mortgage, deed of trust, or other lien is subject and subordinate  
29 to ~~((such))~~ the dedication ~~((and))~~. Any and all sales made upon  
30 foreclosure are subject and subordinate to the dedication for cemetery  
31 purposes.

32       **Sec. 83.** RCW 68.24.170 and 1943 c 247 s 40 are each amended to  
33 read as follows:

34       A record shall be kept of the ownership of all plots or rights of  
35 interment in the cemetery, which have been conveyed by the cemetery

1 authority and of all transfers of plots and rights of interment in the  
2 cemetery. No transfer of any plot(~~(, heretofore or hereafter made,)~~)  
3 or (~~(any)~~) right of interment, shall be complete or effective until  
4 recorded on the books of the cemetery authority.

5 **Sec. 84.** RCW 68.24.180 and 1994 c 273 s 20 are each amended to  
6 read as follows:

7 After dedication under this title, and as long as the property  
8 remains dedicated to cemetery purposes, a railroad, street, road,  
9 alley, pipe line, pole line, or other public thoroughfare or utility  
10 shall not be laid out, through, over, or across any part of it without  
11 the consent of the cemetery authority (~~(owning and operating it,)~~) or  
12 of not less than two-thirds of the owners of (~~(interment)~~) plots(~~(+~~  
13 ~~PROVIDED HOWEVER, That a city of under twenty thousand may initiate,~~  
14 ~~prior to January 1, 1995, an action to condemn cemetery property if the~~  
15 ~~purpose is to further improve an existing street, or other public~~  
16 ~~improvement and the proposed improvement does not interfere with~~  
17 ~~existing interment plots containing human remains)~~) or rights of  
18 interment.

19 **Sec. 85.** RCW 68.24.190 and 1909 c 249 s 241 are each amended to  
20 read as follows:

21 Every person who shall make or open any road, or construct any  
22 railway, turnpike, canal, or other public easement over, through, in,  
23 or upon(~~(, such part of)~~) any (~~(inclosure as may be)~~) property used for  
24 the burial of (~~(the dead)~~) human remains, without authority of law or  
25 the consent of the owner (~~(thereof)~~), shall be guilty of a misdemeanor.

26 **Sec. 86.** RCW 68.24.220 and 1857 p 28 s 2 are each amended to read  
27 as follows:

28 Whenever any part of such burying ground shall have been designated  
29 and appropriated by the (~~(proprietors thereof)~~) owners as the burying  
30 place of any particular person or family, the same shall not be liable  
31 to be taken or disposed of by any warrant (~~(or)~~) execution, (~~(for~~  
32 ~~any)~~) tax, or debt whatever; nor shall the same be liable to be sold to  
33 satisfy the demands of creditors whenever the estate of (~~(such)~~) the  
34 owner shall be insolvent.



1           **Sec. 87.** RCW 68.28.010 and 1943 c 247 s 134 are each amended to  
2 read as follows:

3           RCW 68.28.020 through 68.28.070, 68.20.080, 68.20.090, (~~68.48.040~~  
4 ~~and 68.48.060~~) 68.56.040, and 68.56.050, apply to all buildings,  
5 mausoleums, and columbariums used or intended to be used for the  
6 (~~interment~~) placement of the human remains of fifteen or more  
7 persons, whether erected under or above the surface of the earth, where  
8 any portion of the building is exposed to view or, when interment is  
9 completed, is less than three feet below the surface of the earth and  
10 covered by earth.

11           **Sec. 88.** RCW 68.28.020 and 1943 c 247 s 135 are each amended to  
12 read as follows:

13           A building not erected for, or which is not used as, a place (~~of~~  
14 ~~interment~~) for placement of human remains which is converted or  
15 altered for such use is subject to this act.

16           **Sec. 89.** RCW 68.28.030 and 1943 c 247 s 136 are each amended to  
17 read as follows:

18           No building or structure intended to be used for the (~~interment~~)  
19 placement of human remains shall be constructed, and a building not  
20 used for the (~~interment~~) placement of human remains shall not be  
21 altered for use or used for interment purposes, unless constructed of  
22 such material and workmanship as will (~~insure~~) ensure its durability  
23 and permanence as dictated and determined at the time by modern  
24 mausoleum construction and engineering science.

25           **Sec. 90.** RCW 68.28.060 and 2003 c 53 s 306 are each amended to  
26 read as follows:

27           Every owner or operator of a mausoleum or columbarium erected in  
28 violation of this act is guilty of maintaining a public nuisance(~~(7)~~).  
29 A violation of this section is a gross misdemeanor(~~(7) and upon~~  
30 ~~conviction is punishable by a fine of not less than five hundred~~  
31 ~~dollars nor more than five thousand dollars or by imprisonment in a~~  
32 ~~county jail for not less than one month nor more than six months, or by~~  
33 ~~both; and, in addition is liable for all costs, expenses, and~~  
34 ~~disbursements paid or incurred in prosecuting the case)).~~

1           **Sec. 91.** RCW 68.32.010 and 1943 c 247 s 88 are each amended to  
2 read as follows:

3           All plots or rights of interment conveyed to individuals are  
4 presumed to be the sole and separate property rights of the owner named  
5 in the instrument of conveyance.

6           **Sec. 92.** RCW 68.32.020 and 1943 c 247 s 89 are each amended to  
7 read as follows:

8           The spouse of an owner of any plot or right of interment containing  
9 more than one (~~interment~~) placement space has a vested right of  
10 (~~interment of his remains~~) placement in the plot and any person  
11 thereafter becoming the spouse of the owner has a vested right of  
12 (~~interment of his remains~~) placement in the plot if more than one  
13 (~~interment~~) space is unoccupied at the time the person becomes the  
14 spouse of the owner.

15           **Sec. 93.** RCW 68.32.030 and 1943 c 247 s 90 are each amended to  
16 read as follows:

17           No conveyance or other action of the owner without the written  
18 consent (~~or joinder~~) of the spouse of the owner divests the spouse of  
19 a vested right of (~~interment, except that~~) placement. A final decree  
20 of divorce between them terminates the vested right of (~~interment~~)  
21 placement unless otherwise provided in the decree.

22           **Sec. 94.** RCW 68.32.040 and 1979 c 21 s 15 are each amended to read  
23 as follows:

24           If no (~~interment~~) placement is made in (~~an interment~~) a plot or  
25 right of interment, which has been transferred by deed or certificate  
26 of ownership to an individual owner, (~~or~~) the title descends to the  
27 surviving spouse. If there is no surviving spouse, the title descends  
28 to the heirs at law of the owner. Following death of the owner, if all  
29 remains previously (~~interred~~) placed are lawfully removed(~~, upon the~~  
30 death of) and the owner(~~, unless the owner has disposed~~) did not  
31 dispose of the plot (~~either~~) or right of interment by specific devise  
32 or by a written declaration filed and recorded in the office of the  
33 cemetery authority, the (~~plot~~) title descends to the surviving spouse  
34 (~~or~~). If there is no surviving spouse, the title descends to the

1 heirs at law of the owner (~~subject to the rights of interment of the~~  
2 ~~decedent~~)).

3 **Sec. 95.** RCW 68.32.050 and 1943 c 247 s 93 are each amended to  
4 read as follows:

5 An affidavit by a person having knowledge of the facts setting  
6 forth the fact of the death of the owner and the name of the person or  
7 persons entitled to the use of the plot or right of interment pursuant  
8 to RCW 68.32.010 through 68.32.040, is complete authorization to the  
9 cemetery authority to permit the use of the unoccupied portions of the  
10 plot or interment right by the person entitled to the use of it.

11 **Sec. 96.** RCW 68.32.060 and 1979 c 21 s 16 are each amended to read  
12 as follows:

13 Whenever an interment of the human remains of a member or of a  
14 relative of a member of the family of the record owner or of the  
15 remains of the record owner is made in a plot transferred by deed or  
16 certificate of ownership to an individual owner and both the owner and  
17 the surviving spouse, if any, die with children then living without  
18 making disposition of the plot either by a specific devise, or by a  
19 written declaration filed and recorded in the office of the cemetery  
20 authority, the plot shall thereafter be held as a family plot and shall  
21 be subject to (~~alienation~~) sale only upon agreement of the children  
22 of the owner living at the time of (~~said alienation~~) sale.

23 **Sec. 97.** RCW 68.32.070 and 1943 c 247 s 94 are each amended to  
24 read as follows:

25 In a conveyance to two or more persons as joint tenants each joint  
26 tenant has a vested right of (~~interment~~) placement in the plot or  
27 right of interment conveyed.

28 **Sec. 98.** RCW 68.32.080 and 1943 c 247 s 95 are each amended to  
29 read as follows:

30 Upon the death of a joint tenant, the title to the plot or right of  
31 interment held in joint tenancy immediately vests in the survivors,  
32 subject to the vested right of interment (~~of the remains~~) of the  
33 deceased joint tenant.

1       **Sec. 99.** RCW 68.32.090 and 1943 c 247 s 96 are each amended to  
2 read as follows:

3       An affidavit by any person having knowledge of the (~~facts setting~~  
4 ~~forth the~~) fact of the death of one joint tenant and establishing the  
5 identity of the surviving joint tenants named in the deed to any plot  
6 or right of interment, when filed with the cemetery authority  
7 (~~operating the cemetery in which the plot is located~~), is complete  
8 authorization to the cemetery authority to permit the use of the  
9 unoccupied portion of the plot or right of interment in accordance with  
10 the directions of the surviving joint tenants (~~or their successors in~~  
11 ~~interest~~)).

12       **Sec. 100.** RCW 68.32.100 and 1943 c 247 s 97 are each amended to  
13 read as follows:

14       When there are several owners of a plot (~~(r)~~) or (~~of rights~~) right  
15 of interment (~~in it~~), they may designate one or more persons to  
16 represent the plot or interment right and file written notice of  
17 designation with the cemetery authority. In the absence of such notice  
18 or of written objection to its so doing, the cemetery authority is not  
19 liable to any owner for (~~interring or~~) permitting (~~an interment~~)  
20 the placement in the plot or right of interment upon the request or  
21 direction of any co-owner of the plot or right of interment.

22       **Sec. 101.** RCW 68.32.110 and 1943 c 247 s 99 are each amended to  
23 read as follows:

24       In a family plot one (~~grave, niche or crypt~~) right of interment  
25 may be used for the owner's interment (~~(r)~~) and one for the owner's  
26 surviving spouse, if any (~~(, who by law has a vested right of interment~~  
27 ~~in it; and in those~~)). Any unoccupied spaces may then be used by the  
28 remaining (~~(, if any, the)~~) parents and children of the deceased owner,  
29 if any, then to the spouse of any child of the owner, then to the heirs  
30 at law of the owner, in the order of death (~~(may be interred without~~  
31 ~~the consent of any person claiming any interest in the plot)~~)).

32       **Sec. 102.** RCW 68.32.130 and 1943 c 247 s 101 are each amended to  
33 read as follows:

34       Any surviving spouse, parent, child, or heir having a right of  
35 (~~interment~~) placement in a family plot may waive such right in favor

1 of any other relative or spouse of a relative of the deceased owner(~~+~~  
2 and)). Upon such a waiver, the remains of the person in whose favor  
3 the waiver is made may be (~~interred~~) placed in the plot.

4 **Sec. 103.** RCW 68.32.140 and 1943 c 247 s 102 are each amended to  
5 read as follows:

6 A vested right of (~~interment~~) placement may be waived and is  
7 terminated upon the (~~interment~~) placement elsewhere of the remains of  
8 the person in whom vested.

9 **Sec. 104.** RCW 68.32.150 and 1943 c 247 s 103 are each amended to  
10 read as follows:

11 No vested right of interment gives (~~to~~) any person the right to  
12 have his or her remains interred in any interment space in which the  
13 remains of any deceased person having a prior vested right of interment  
14 have been interred(~~, nor does it~~). No vested right of interment  
15 gives any person the right to have the remains of more than one  
16 deceased person (~~interred~~) placed in a single (~~interment~~) space in  
17 violation of the rules and regulations of the cemetery in which the  
18 (~~interment~~) space is located.

19 **Sec. 105.** RCW 68.32.160 and 1943 c 247 s 104 are each amended to  
20 read as follows:

21 A cemetery authority may take and hold any plot or right of  
22 interment conveyed (~~or devised~~) to it by the plot owner so that it  
23 will be (~~inalienable, and interments~~) nontransferable. Placements  
24 shall be restricted to the persons designated in the conveyance (~~or~~  
25 ~~devise~~)).

26 **Sec. 106.** RCW 68.36.010 and 1943 c 247 s 78 are each amended to  
27 read as follows:

28 The ownership (~~of~~) or right (~~in or~~) to unoccupied cemetery  
29 space in this state shall, upon abandonment, be subject to forfeiture  
30 and sale by the person(~~, association, corporation~~) or  
31 (~~municipality~~) entity having ownership or management of the cemetery  
32 (~~containing such unoccupied cemetery space, for the purpose of~~  
33 ~~providing for perpetual care. The continued failure by an owner to~~  
34 ~~maintain or care for an unoccupied cemetery lot, unoccupied part of~~

1 ~~lot, unoccupied lots or parts of lots for a period of five years shall~~  
2 ~~create and establish a presumption that the same has been abandoned)).~~  
3 Unoccupied cemetery space is presumed to be abandoned if it has been  
4 neglected and in a state of disrepair for a period of five years.

5 **Sec. 107.** RCW 68.36.020 and 1943 c 247 s 79 are each amended to  
6 read as follows:

7 ~~((Before such five year period shall commence to run, the owner or~~  
8 ~~manager of the cemetery shall place upon and during such five year~~  
9 ~~period shall maintain upon such unoccupied cemetery space a suitable~~  
10 ~~notice)) Cemetery management shall place a suitable notice on each~~  
11 unoccupied space, setting forth the date the notice is placed  
12 ~~((thereon)) and ((stating)) that ((such)) the unoccupied space is~~  
13 subject to forfeiture and sale by the ~~((owner or manager of the))~~  
14 cemetery ~~((to provide for perpetual care,)).~~ If the owner of ((such))  
15 the unoccupied space fails during the next ~~((five))~~ three years  
16 following the date of the notice to maintain or care for the ~~((same or~~  
17 ~~unless the owner of such unoccupied space contracts for the perpetual~~  
18 ~~care of the same:— PROVIDED, HOWEVER, That)) unoccupied space, the~~  
19 cemetery may reclaim the unoccupied space. ~~However,~~ such a notice  
20 cannot be placed on the unoccupied space in any cemetery lot until  
21 twenty years have elapsed since the last interment in any such lot of  
22 a member of the immediate family of the record owner. ~~((Members of the~~  
23 ~~immediate family shall be construed to include surviving spouse,~~  
24 ~~children, parents, and brothers and sisters.))~~

25 **Sec. 108.** RCW 68.36.030 and 1943 c 247 s 80 are each amended to  
26 read as follows:

27 After ~~((such five))~~ a three-year period, the owner or manager of  
28 the cemetery may file ~~((in the office of the county clerk for the~~  
29 ~~county in which the cemetery is located))~~ a verified petition in the  
30 office of the county clerk, setting forth ~~((its ownership or management~~  
31 ~~of the cemetery,))~~ the facts relating to the ~~((continued failure by the~~  
32 ~~owner for a period of five consecutive years to maintain or care for~~  
33 ~~such cemetery lot, part of lot, lots or parts of lots and such facts~~  
34 ~~relating to the ownership thereof as petitioner may have, and asking))~~  
35 abandonment. The petition may ask for an order of the superior court

1 for (~~such county, adjudging the lot, part of lot, lots or parts of~~  
2 ~~lots to have been abandoned~~) abandonment.

3 At the time of filing (~~such~~) the petition, (~~the owner or manager~~  
4 ~~of~~) the cemetery authority shall (~~apply for and the superior court~~  
5 ~~for such county shall fix a time for the~~) request a hearing of the  
6 petition (~~not less than sixty days nor more than ninety days from the~~  
7 ~~time of the application~~). The superior court will fix the time for  
8 the hearing. Not less than sixty days before the time fixed for the  
9 hearing of the petition, notice and nature of the hearing (~~and the~~  
10 ~~nature and object of the same~~) shall be given to the owner of such  
11 unoccupied space(~~, as herein provided~~).

12 **Sec. 109.** RCW 68.36.040 and 1943 c 247 s 81 are each amended to  
13 read as follows:

14 The notice may be served personally upon the owner, or may be given  
15 by the mailing of the notice by registered mail to the owner to his or  
16 her last known address and by publishing the notice three times in a  
17 legal newspaper published in the county in which the cemetery is  
18 located(~~, and if there be no legal newspaper in the county, then in a~~  
19 ~~legal newspaper published in an adjoining county, and if there be no~~  
20 ~~legal newspaper in an adjoining county, then in a legal newspaper~~  
21 ~~published at the capital of the state~~). In the event that the  
22 whereabouts of the owner is unknown, (~~or if the owner be unknown,~~)  
23 then the notice may be given (~~to such owner, unknown owner or unknown~~  
24 ~~claimant, and all other persons or parties claiming any right, title or~~  
25 ~~interest therein,~~) by publishing the notice three times in a legal  
26 newspaper as (~~aforsaid~~) required by this section. The cemetery  
27 authority may file an affidavit (~~of the owner or manager of the~~  
28 ~~cemetery involved~~) in the proceeding to the effect that (~~such~~) the  
29 owner (~~or claimant~~) is unknown (~~to him~~) and that (~~he~~) the  
30 cemetery exercised diligence in attempting to locate (~~such~~) the  
31 unknown parties. The affidavit shall(~~, if filed in the proceeding,~~)  
32 be conclusive to that effect.

33 **Sec. 110.** RCW 68.36.050 and 1943 c 247 s 82 are each amended to  
34 read as follows:

35 (~~Thereupon, such~~) An owner or claimant may appear and (~~make~~)  
36 answer (~~to~~) the allegations of (~~said~~) the petition(~~, and in case~~

1 ~~of his failure so~~). If an owner fails to do so prior to the day fixed  
2 for hearing, ~~((his))~~ a default shall be entered and it shall then be  
3 the duty of the superior court ~~((for such county))~~ to immediately enter  
4 an order adjudging ~~((such))~~ the unoccupied space to have been abandoned  
5 and subject to sale ~~((at the expiration of one year by the person,~~  
6 ~~association, corporation or municipality having ownership or management~~  
7 ~~of the cemetery containing the same))~~. In the event the owner or  
8 claimant shall appear and file his or her answer prior to the day fixed  
9 for the hearing, the presumption of abandonment shall no longer exist,  
10 and on the day fixed for the hearing of ~~((said))~~ the petition or on any  
11 subsequent day to which the hearing of the cause is adjourned, the  
12 allegations and proof of the parties shall be presented to the court  
13 and if the court shall determine ~~((therefrom))~~ that there has been a  
14 continued failure to maintain or care for ~~((such))~~ the unoccupied space  
15 for a period of ~~((five))~~ three consecutive years preceding the filing  
16 of ~~((said))~~ the petition, an order shall be entered accordingly  
17 adjudging ~~((such))~~ the unoccupied space to have been abandoned and  
18 subject to sale at the expiration of one year by the person,  
19 association, corporation, or municipality having ownership of the  
20 cemetery containing the same. Upon any adjudication of abandonment,  
21 the court shall fix such sum as it shall deem reasonable as ~~((an~~  
22 ~~attorney's))~~ attorneys' fees for petitioner's attorney for ~~((each lot,~~  
23 ~~part of lot, lots or parts of lots))~~ rights of interment adjudged to  
24 have been abandoned in such proceedings.

25 **Sec. 111.** RCW 68.40.010 and 1987 c 331 s 35 are each amended to  
26 read as follows:

27 ~~((After July 1, 1987,))~~ A cemetery authority not exempt under this  
28 chapter shall deposit in an endowment care fund not less than the  
29 following amounts for plots or interment rights sold: Ten percent of  
30 the gross sales price ~~((, with a minimum of ten dollars))~~ for each  
31 ~~((adult))~~ grave ~~((; ten percent of the gross sales price, with a minimum~~  
32 ~~of five dollars for each))~~, niche ~~((; and ten percent of the gross sales~~  
33 ~~price, with a minimum of thirty dollars for each))~~, or crypt.

34 In the event that a cemetery authority sells ~~((a lot, crypt, or~~  
35 ~~niche))~~ an interment right at a price that is less than its current  
36 list price, or gives away, bequeaths, or otherwise gives title to ~~((a~~  
37 ~~lot, crypt, or niche, such lot, crypt, or niche))~~ an interment right,



1 the interment right shall be endowed at the rate at which it would  
2 normally be endowed(~~(: A minimum of ten percent of normal sales price~~  
3 ~~or ten dollars per lot, whichever is greater; ten percent of normal~~  
4 ~~sales price or five dollars per niche, whichever is greater; and ten~~  
5 ~~percent of normal sales price or thirty dollars per crypt, whichever is~~  
6 ~~greater)).~~

7 The deposits shall be made not later than the twentieth day of the  
8 month following the final payment on the sale price. If a contract for  
9 (~~crypts, niches, or graves~~) interment rights is sold, pledged, or  
10 otherwise encumbered as security for a loan by the cemetery authority,  
11 the cemetery authority shall pay into the endowment care fund ten  
12 percent of the gross sales price (~~(with a minimum of ten dollars for~~  
13 ~~each adult grave, five dollars for each niche, and thirty dollars for~~  
14 ~~each crypt)) of the interment right within twenty days of receipt of  
15 payment of the proceeds from such sale or loan.~~

16 Any cemetery hereafter established shall have deposited in an  
17 endowment care fund the sum of twenty-five thousand dollars before  
18 (~~disposing of~~) selling any (~~plot or making any sale thereof~~)  
19 interment right.

20 **Sec. 112.** RCW 68.40.025 and 1987 c 331 s 36 are each amended to  
21 read as follows:

22 Cemeteries with nonendowed sections opened before July 1, 1987,  
23 shall only be required to endow sections opened after July 1, 1987. On  
24 the face of any contract, receipt, or deed used for sales of nonendowed  
25 (~~lots~~) interment rights shall be prominently displayed the words  
26 "Nonendowment section." All nonendowed sections shall be identified as  
27 such by posting of a legible sign containing the following phrase:  
28 "Nonendowment section."

29 **Sec. 113.** RCW 68.40.060 and 1987 c 331 s 38 are each amended to  
30 read as follows:

31 The cemetery authority of an endowment care cemetery may accept any  
32 property bequeathed, granted, or given to it in trust and may apply the  
33 income from such property (~~bequeathed, granted, or given to in trust~~)  
34 to any or all of the following purposes:

35 (1) Improvement or embellishment of all or any part of the cemetery  
36 (~~or any lot in it~~);

1 (2) Erection, renewal, repair, or preservation of any monument,  
2 fence, building, or other structure in the cemetery;

3 (3) Planting or cultivation of trees, shrubs, or plants in or  
4 around any part of the cemetery;

5 (4) Special care or ornamenting of any part of any ((plot))  
6 interment right, section, or building in the cemetery; and

7 (5) Any purpose or use consistent with the purpose for which the  
8 cemetery was established or is maintained.

9 **Sec. 114.** RCW 68.44.020 and 1987 c 331 s 42 are each amended to  
10 read as follows:

11 Endowment care funds shall not be used for any purpose other than  
12 to provide, through income only, for the endowment care stipulated in  
13 the instrument by which the fund was established(~~(, and)~~). Endowment  
14 care funds shall be kept separate and distinct from all assets of the  
15 cemetery authority. ((The)) Endowment care principal shall ((forever))  
16 remain inviolable and may not be reduced in any way not found within  
17 RCW 11.100.020.

18 **Sec. 115.** RCW 68.44.070 and 1953 c 290 s 16 are each amended to  
19 read as follows:

20 ((The)) Contributions to endowment care and special care funds  
21 (~~(and all payments or contributions thereto)~~) are ((hereby expressly))  
22 permitted for charitable ((and eleemosynary)) purposes. Endowment care  
23 and such contributions are provisions for the discharge of a duty from  
24 the persons contributing to the persons interred ((and)) or to be  
25 interred in the cemetery ((and provisions)). This provision is for the  
26 benefit and protection of the public by preserving and keeping  
27 cemeteries from becoming ((unkept and)) neglected places of ((reproach  
28 and desolation)) disgrace in the communities ((in which)) they ((are  
29 situated. No payment, or contribution for general endowment care, is  
30 invalid by reason of any indefiniteness or uncertainty of the persons  
31 designated as beneficiaries in the instruments creating the trust, nor  
32 is the fund or any contribution to it invalid as violating any law  
33 against perpetuities, or the suspension of the power of alienation of  
34 title to property)) serve.

1           **Sec. 116.** RCW 68.44.080 and 1953 c 290 s 17 are each amended to  
2 read as follows:

3           The cemetery authority may ~~((from time to time))~~ adopt plans for  
4 the ~~((general))~~ care, maintenance, and embellishment of its cemetery~~((  
5 and))~~. A cemetery authority may charge and collect from all purchasers  
6 of plots ~~((such))~~ or rights of interment a reasonable sum ~~((as it deems  
7 will aggregate))~~ that will generate a fund, and the ~~((reasonable))~~  
8 income from ~~((which))~~ the fund will provide care, maintenance, and  
9 embellishment on an endowment basis.

10           **Sec. 117.** RCW 68.44.090 and 1953 c 290 s 18 are each amended to  
11 read as follows:

12           Upon payment of the purchase price and the ~~((amount fixed as a  
13 proportionate))~~ contribution for endowment care, ~~((there may be  
14 included in the))~~ a deed of conveyance or ~~((by separate))~~ other  
15 instrument~~(( ))~~ may include an agreement to care~~(( in accordance with  
16 the plan adopted, ))~~ for the cemetery ~~((and its appurtenances))~~,  on an  
17 endowment basis to the ~~((proportionate))~~ extent the income ~~((received  
18 by the cemetery authority from the contribution))~~ will permit.

19           **Sec. 118.** RCW 68.44.100 and 1953 c 290 s 19 are each amended to  
20 read as follows:

21           Upon the application of an owner of a plot, and upon the payment by  
22 ~~((him))~~ the owner of the amount fixed as a reasonable and proportionate  
23 contribution for endowment care, a cemetery authority may enter into an  
24 agreement with ~~((him))~~ the owner for the special care of his or her  
25 plot and its appurtenances.

26           **Sec. 119.** RCW 68.44.110 and 1987 c 331 s 43 are each amended to  
27 read as follows:

28           Unless an association of lot owners has been created for the  
29 purpose of appointing trustees, the cemetery authority shall appoint a  
30 ~~((board of not less than))~~ minimum of three ~~((members as))~~ trustees for  
31 its endowment care fund, who shall hold office subject to the direction  
32 of the cemetery authority.

33           **Sec. 120.** RCW 68.44.120 and 1987 c 331 s 45 are each amended to  
34 read as follows:

1       The directors of a cemetery authority may be the trustees of its  
2 endowment care fund. When the fund is in the care of the directors  
3 (~~as a board of trustees~~), the secretary of the cemetery authority  
4 shall (~~act as its secretary and~~) keep a true record of all of its  
5 proceedings.

6       **Sec. 121.** RCW 68.44.130 and 1987 c 331 s 46 are each amended to  
7 read as follows:

8       In lieu of the appointment of a board of trustees of its endowment  
9 care fund, (~~any~~) a cemetery authority may appoint, as sole trustee of  
10 its endowment care fund, any bank or trust company qualified to engage  
11 in the trust business(~~, and said~~). The bank or trust company shall  
12 be authorized to receive and accept (~~said~~) the endowment care fund(~~,~~  
13 ~~including any accumulated endowment care fund in existence~~) at the  
14 time of its appointment.

15       **Sec. 122.** RCW 68.44.140 and 1987 c 331 s 47 are each amended to  
16 read as follows:

17       Compensation to the board of trustees or trustee for services as  
18 trustee and other compensation for administration of trust funds shall  
19 not exceed (~~in the aggregate~~) the customary fees charged by banks and  
20 trust companies for like services. Such fees may not be paid from the  
21 fund principal.

22       **Sec. 123.** RCW 68.44.150 and 1987 c 331 s 48 are each amended to  
23 read as follows:

24       The cemetery authority or the trustees in whose names the funds are  
25 held shall, annually, and within ninety days after the end of the  
26 calendar or fiscal year of the cemetery authority, (~~make and keep on~~  
27 ~~file for seven years a true and correct written report, verified on~~  
28 ~~oath by an officer of the cemetery authority or by the oath of one or~~  
29 ~~more of the trustees,~~) file in its office and with the cemetery board  
30 endowment care trust fund, a report showing the actual financial  
31 condition of the funds. The report must be signed by an officer of the  
32 cemetery authority or one or more of the trustees. The report must be  
33 maintained for a period of seven years.

1       **Sec. 124.** RCW 68.44.160 and 1953 c 290 s 22 are each amended to  
2 read as follows:

3       A cemetery authority which has established an endowment care fund  
4 may take and hold, as a part of (~~or incident to~~) the fund, any  
5 property, real, personal, or mixed, bequeathed, devised, granted,  
6 given, or otherwise contributed to it for its endowment care fund.

7       **Sec. 125.** RCW 68.46.010 and 1979 c 21 s 22 are each amended to  
8 read as follows:

9       The definitions in this section apply throughout this chapter  
10 unless the context clearly (~~indicates~~) requires otherwise(~~, the~~  
11 following terms as used only in this chapter have the meaning given in  
12 this section:).

13       (1) "Prearrangement contract" means a contract for purchase of  
14 cemetery merchandise or services, unconstructed crypts or niches, or  
15 undeveloped graves to be furnished at a future date for a specific  
16 consideration which is paid in advance by one or more payments in one  
17 sum or by installment payments.

18       (2) (~~"Cemetery authority" shall have the same meaning as in RCW~~  
19 ~~68.04.190, and shall also include any individual, partnership, firm,~~  
20 ~~joint venture, corporation, company, association, or join [joint] stock~~  
21 ~~company, any of which sells cemetery services or merchandise,~~  
22 ~~unconstructed crypts or niches, or undeveloped graves through a~~  
23 ~~prearrangement contract, but shall not include insurance companies~~  
24 ~~licensed under chapter 48.05 RCW.~~

25       (3)) "Cemetery merchandise or services" and "merchandise or  
26 services" mean those services normally performed by cemetery  
27 authorities, including the sale of monuments, markers, memorials,  
28 nameplates, liners, vaults, boxes, urns, vases, interment services, or  
29 any one or more of them.

30       (4)) (3) "Prearrangement trust fund" means all funds required to  
31 be maintained in one or more funds for the benefit of beneficiaries by  
32 either this chapter or by the terms of a prearrangement contract, as  
33 herein defined.

34       (5) "~~Depository" means a qualified public depository as defined~~  
35 ~~by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a~~  
36 ~~mutual savings bank as governed by Title 32 RCW, a savings and loan~~  
37 ~~association as governed by Title 33 RCW, and a federal credit union or~~

1 a federal savings and loan association organized, operated, and  
2 governed by any act of congress, in which prearrangement funds are  
3 deposited by any cemetery authority.

4 ~~(6))~~ (4) "Board" means the cemetery board established under  
5 chapter 68.05 RCW or its authorized representative.

6 ~~((7))~~ (5) "Undeveloped grave" means any grave in an area which a  
7 cemetery authority has not landscaped ~~((and))~~, groomed, or developed to  
8 the extent customary in the cemetery industry ~~((in that community))~~.

9 **Sec. 126.** RCW 68.46.020 and 1973 1st ex.s. c 68 s 2 are each  
10 amended to read as follows:

11 Any cemetery authority selling by prearrangement contracts any  
12 merchandise or services shall establish and maintain one or more  
13 prearrangement trust funds for the benefit of beneficiaries of  
14 prearrangement contracts.

15 **Sec. 127.** RCW 68.46.030 and 1984 c 53 s 3 are each amended to read  
16 as follows:

17 (1) For each prearrangement contract, a cemetery authority shall  
18 deposit ~~((in its prearrangement trust account a percentage of all funds~~  
19 ~~collected in payment of each prearrangement contract equal to the~~  
20 ~~greater of:~~

- 21 ~~(a) Fifty percent of the contract price; or~~
- 22 ~~(b) The percentage which the total of the wholesale cost of~~  
23 ~~merchandise and the direct cost of services to be provided pursuant to~~  
24 ~~the contract is of the total contract price))~~ the greater of the  
25 following amounts in its prearrangement trust fund:

- 26 (a) For merchandise:
  - 27 (i) Fifty percent of the contract price; or
  - 28 (ii) The wholesale cost of the item.
- 29 (b) For services:
  - 30 (i) Fifty percent of the contract price; or
  - 31 (ii) The direct cost of providing the service.

32 (2) Any cemetery authority which does not file and maintain with  
33 the board a bond as provided in subsection (4) of this section shall  
34 deposit in its prearrangement trust fund ~~((fifty percent, or greater~~  
35 ~~percentage as determined under subsection (1) of this section, of all~~

1 moneys received in payment of each prearrangement contract)) an amount  
2 as determined under subsection (1) of this section, excluding sales tax  
3 and endowment care if such charge is made.

4 (3) Any cemetery authority which files and maintains with the board  
5 a bond as provided in subsection (4) of this section (~~shall deposit in~~  
6 ~~its prearrangement trust fund each payment as made on the last fifty~~  
7 ~~percent, or greater percentage as determined under subsection (1) of~~  
8 ~~this section, of each prearrangement contract)) may retain the  
9 nontrustable portion of the contract before depositing the balance of  
10 payments into its prearrangement trust fund, as determined under  
11 subsection (1) of this section, excluding sales tax and endowment care,  
12 if such charge is made.~~

13 (4) Each cemetery authority electing to make payments to its  
14 prearrangement trust fund pursuant to subsection (3) of this section  
15 shall file and maintain with the board a bond, issued by a surety  
16 company authorized to do business in the state, in the amount by which  
17 the cemetery authority's contingent liability for refunds pursuant to  
18 RCW 68.46.060 exceeds the amount deposited in its prearrangement trust  
19 fund. The bond shall (~~run to the state and shall~~) be conditioned  
20 that it is for the use and benefit of any person requesting a refund  
21 pursuant to RCW 68.46.060 if the cemetery authority does not promptly  
22 pay to (~~said~~) the person the refund due pursuant to RCW 68.46.060.  
23 In addition to any other remedy, every person not promptly receiving  
24 the refund due pursuant to RCW 68.46.060 may sue the surety for the  
25 refund. The liability of the surety shall not exceed the amount of the  
26 bond. Termination or cancellation shall not be effective unless notice  
27 is delivered by the surety to the board at least thirty days prior to  
28 the date of termination or cancellation. The board shall immediately  
29 notify the cemetery authority affected by the termination or  
30 cancellation by certified mail, return receipt requested. The cemetery  
31 authority shall thereupon obtain another bond or make such other  
32 arrangement as may be satisfactory to the board to (~~assure~~) ensure  
33 its ability to make refunds pursuant to RCW 68.46.060.

34 (5) Deposits to the prearrangement trust fund shall be made not  
35 later than the twentieth day of each month following receipt of each  
36 payment required to be deposited. If a prearrangement contract is  
37 sold, pledged, or otherwise encumbered as security for a loan by the  
38 cemetery authority, the cemetery authority shall pay into the

1 prearrangement trust fund fifty percent of the total sale price of the  
2 prearrangement contract within twenty days of receipt of payment of the  
3 proceeds from the sale or loan.

4 (6) Any failure to fund a prearrangement contract as required by  
5 this section shall be grounds for ~~((revocation of the))~~ disciplinary  
6 action against the cemetery authority and the cemetery authority's  
7 prearrangement sales license.

8 **Sec. 128.** RCW 68.46.040 and 1987 c 331 s 50 are each amended to  
9 read as follows:

10 All prearrangement trust funds shall be deposited in a  
11 ~~((qualified))~~ public depository as defined by RCW ~~((68.46.010))~~  
12 39.58.010, in a state or federally chartered credit union, or in  
13 instruments issued or insured by any agency of the federal  
14 government~~((, if these securities are held in public depository)).~~  
15 Such ~~((savings))~~ accounts shall be designated as the "prearrangement  
16 trust fund" by name and the particular cemetery authority for the  
17 benefit of the beneficiaries named in any prearrangement contract.

18 **Sec. 129.** RCW 68.46.050 and 1995 1st sp.s. c 18 s 65 are each  
19 amended to read as follows:

20 (1) A ~~((bank, trust company, or savings and loan association~~  
21 ~~designated as the))~~ depository of prearrangement funds shall permit  
22 ~~((withdrawal by a cemetery authority of))~~ a cemetery authority to  
23 withdraw all funds deposited under any specific prearrangement contract  
24 plus interest accrued thereon, under the following circumstances and  
25 conditions:

26 (a) If the cemetery authority files a verified statement with the  
27 depository that the prearrangement merchandise and services covered by  
28 a contract have been furnished and delivered ~~((in accordance~~  
29 ~~therewith))~~; or

30 (b) If the cemetery authority files a verified statement that a  
31 specific prearrangement contract has been canceled in accordance with  
32 its terms.

33 (2) The department of social and health services shall notify the  
34 cemetery authority maintaining a prearrangement trust fund regulated by  
35 this chapter that the department has a claim on the estate of a  
36 beneficiary for long-term care services. Such notice shall be renewed



1 at least every three years. The cemetery authority, upon becoming  
2 aware of the death of a beneficiary, shall give notice to the  
3 department of social and health services, office of financial recovery,  
4 who shall file any claim there may be within thirty days of the notice.

5 **Sec. 130.** RCW 68.46.055 and 1984 c 53 s 8 are each amended to read  
6 as follows:

7 ~~((1))~~ No cemetery authority may enter into a retail contract for  
8 the purchase of debentures, shares, scrip, bonds, notes, or any  
9 instrument or evidence of indebtedness ~~((, excluding retail installment  
10 sales transactions governed by chapter 63.14 RCW, which directly or  
11 indirectly))~~ that requires ~~((or permits))~~ the cemetery authority to  
12 furnish ~~((to the holder at a future date))~~ cemetery merchandise ~~((or))~~,  
13 services, or ~~((crypts, niches, or graves))~~ interment rights to the  
14 holder at a future date. This section does not include retail  
15 installment sales transactions governed by chapter 63.14 RCW.

16 ~~((2))~~ A cemetery authority which enters into prearrangement  
17 contracts for the sale of unconstructed crypts or niches or undeveloped  
18 graves or which conveys undeveloped graves by gift shall maintain an  
19 adequate inventory of constructed crypts or niches and developed graves  
20 which in quality are equal to or better than the unconstructed crypts  
21 or niches, or undeveloped graves if they were constructed or developed.  
22 In the event of the death of a purchaser or owner of an unconstructed  
23 crypt or niche or undeveloped grave before the unconstructed crypt or  
24 niche or undeveloped grave is constructed or developed the cemetery  
25 authority shall provide a constructed crypt or niche or developed grave  
26 of equal or better quality without additional cost or charge. If two  
27 or more unconstructed crypts or niches or undeveloped graves are  
28 conveyed with the intention that the crypts or niches or graves shall  
29 be contiguous to each other or maintained together as a group and the  
30 death of any one purchaser or owner in such group occurs before the  
31 unconstructed crypts or niches or undeveloped graves are developed, the  
32 cemetery authority shall provide additional constructed crypts or  
33 niches or developed graves of equal or better quality contiguous to  
34 each other or together as a group as originally intended to other  
35 purchasers or owners in the group without additional cost or charge.))

1        NEW SECTION.    **Sec. 131.**    A new section is added to chapter 68.46

2    RCW to read as follows:

3        (1) A cemetery authority that enters into prearrangement contracts  
4    for the sale of unconstructed crypts, niches, or undeveloped property,  
5    or that conveys undeveloped property by gift, shall maintain an  
6    adequate inventory of constructed crypts or niches and developed  
7    property. The inventory shall be a minimum of ten percent of the  
8    unconstructed or undeveloped property sales. The inventory shall be  
9    equal or better in quality than the unconstructed crypts or niches, or  
10   undeveloped property if they were constructed or developed.

11       (2) If the death of a purchaser or owner of an unconstructed crypt,  
12   niche, or undeveloped property occurs before the property is  
13   constructed or developed, the cemetery authority shall provide a  
14   constructed crypt, niche, or developed property of equal or better  
15   quality without additional cost or charge.

16       (3) If two or more unconstructed crypts, niches, or undeveloped  
17   properties are conveyed with the intention that the crypts, niches, or  
18   properties shall be contiguous to each other or maintained together as  
19   a group and the death of any one purchaser or owner in such group  
20   occurs before the unconstructed crypts, niches, or undeveloped property  
21   is developed, the cemetery authority shall provide additional  
22   constructed crypts, niches, or developed property of equal or better  
23   quality, contiguous to each other or together as a group, as originally  
24   intended, to other purchasers or owners in the group without additional  
25   cost or charge.

26       (4) The representative of the deceased purchaser may agree to the  
27   placement of the decedent in a temporary crypt, niche, or grave until  
28   the construction is completed and the decedent is placed in the new  
29   crypt, niche, or grave.

30       (5) Prearrangement sales of unconstructed crypts, niches, or  
31   undeveloped property must meet the requirements of RCW 68.46.030.

32       **Sec. 132.**    RCW 68.46.060 and 1987 c 331 s 51 are each amended to  
33   read as follows:

34       Any purchaser or beneficiary (~~(or beneficiaries)~~) may, upon written  
35   demand of any cemetery authority, demand that any prearrangement  
36   contract with such cemetery authority be terminated. In such event,  
37   the cemetery authority shall, within thirty days, refund to (~~such~~)

1 the purchaser or beneficiary (~~(or beneficiaries)~~) fifty percent of the  
2 moneys received less the contractual price of any merchandise delivered  
3 or services performed before the termination plus interest earned. In  
4 any case, where, under a prearrangement contract there is more than one  
5 beneficiary, no written demand as provided in this section shall be  
6 honored by any cemetery authority unless the written demand provided  
7 for in this section shall bear the signatures of all of such  
8 beneficiaries.

9 **Sec. 133.** RCW 68.46.075 and 1979 c 21 s 27 are each amended to  
10 read as follows:

11 In the event the beneficiary (~~(or beneficiaries)~~) of a  
12 prearrangement contract make no claim within fifty years of the date of  
13 the contract for the merchandise and services provided in the  
14 prearrangement contract, the funds deposited in the prearrangement  
15 trust (~~(funds attributable to)~~) for that contract (~~(and the)~~), plus  
16 interest (~~(on said funds)~~), shall be transferred to the cemetery  
17 authority's endowment fund, to be used for the (~~(uses and)~~) purposes  
18 for which the endowment fund was established. However, the cemetery  
19 authority shall remain obligated for merchandise and services,  
20 unconstructed crypts (~~(or)~~), niches, and undeveloped (~~(graves)~~)  
21 property under the terms of the prearrangement contract. Claims may be  
22 made for merchandise and services, unconstructed crypts (~~(or)~~), niches,  
23 and undeveloped (~~(graves)~~) property on a prearrangement contract after  
24 the funds have been transferred to the endowment fund (~~(and)~~). These  
25 claims shall be paid for from the endowment fund income (~~(to the extent~~  
26 ~~of the funds attributable to the prearrangement)~~) on a contract by  
27 contract basis.

28 **Sec. 134.** RCW 68.46.080 and 1973 1st ex.s. c 68 s 8 are each  
29 amended to read as follows:

30 Prearrangement trust funds shall not be used in any way (~~(, directly~~  
31 ~~or indirectly,)~~) for the benefit of the cemetery authority or any  
32 director, officer, agent, or employee of any cemetery authority,  
33 including, but not limited to any encumbrance, pledge, or other  
34 utilization or prearrangement trust funds as collateral or other  
35 security.

1       **Sec. 135.** RCW 68.46.090 and 1983 c 190 s 1 are each amended to  
2 read as follows:

3       Any cemetery authority selling prearrangement merchandise or other  
4 prearrangement services shall file in its office (~~or offices~~) and  
5 with the cemetery board a written report upon forms prepared by the  
6 cemetery board which shall state the amount of the principle of the  
7 prearrangement trust fund (~~or funds~~), the depository of such fund  
8 (~~or funds~~), and cash on hand which is or may be due to (~~such~~) the  
9 fund as well as (~~such~~) other information the board may deem  
10 appropriate. All information appearing on such written reports shall  
11 be revised at least annually. These reports shall be verified by the  
12 president, or the vice-president, and one other officer of the cemetery  
13 authority, the accountant or auditor who prepared the report, and, if  
14 required by the board for good cause, a certified public accountant in  
15 accordance with generally accepted auditing standards. (~~Verification~~  
16 ~~of these reports by a certified public accountant in accordance with~~  
17 ~~generally accepted auditing standards shall be required on reports from~~  
18 ~~cemetery authorities which manage prearrangement trust funds totaling~~  
19 ~~in excess of five hundred thousand dollars.))~~

20       **Sec. 136.** RCW 68.46.100 and 1987 c 331 s 53 are each amended to  
21 read as follows:

22       Every prearrangement contract shall contain language which informs  
23 the purchaser of the prearrangement trust fund and the amount to be  
24 deposited in the prearrangement trust fund(~~(, which shall not be less~~  
25 ~~than fifty percent of the cash purchase price of the merchandise and~~  
26 ~~services in the contract and shall not include charges for endowment~~  
27 ~~care when included in the purchase price)). The amount deposited to  
28 the prearrangement trust fund must meet the requirements of RCW  
29 68.46.030.~~

30       Every prearrangement contract shall contain language prominently  
31 featured on the face of the contract disclosing to the purchaser what  
32 items will be delivered before need, either stored or installed, and  
33 thus not subject to funding or refund.

34       Every prearrangement contract for the sale of unconstructed crypts  
35 (~~or~~) niches or undeveloped (~~graves and every conveyance~~  
36 ~~instrument~~) property shall contain language which informs the  
37 purchaser that (~~if the purchaser dies before the unconstructed crypt~~

1 ~~or niche or undeveloped grave is constructed or developed the cemetery~~  
2 ~~authority must provide, without additional cost or charge, a~~  
3 ~~constructed crypt or niche or developed grave of equal or better~~  
4 ~~quality than the unconstructed crypt or niche or undeveloped grave~~  
5 ~~would have been if it were constructed or developed))~~ sales of  
6 unconstructed or undeveloped property are subject to the provisions of  
7 RCW 68.46.030.

8 **Sec. 137.** RCW 68.46.110 and 1973 1st ex.s. c 68 s 11 are each  
9 amended to read as follows:

10 No cemetery authority shall sell, offer to sell, or authorize the  
11 sale of cemetery merchandise or services or accept funds in payment of  
12 any prearrangement contract(~~(, either directly or indirectly,)~~) unless  
13 such acts are performed in compliance with (~~chapter 68, Laws of 1973~~  
14 ~~1st ex. sess.,)~~) this title and under the authority of a valid(~~(,~~  
15 ~~subsisting)~~) and unsuspended certificate of authority to operate a  
16 cemetery in this state (~~(by the Washington state cemetery board)~~).

17 **Sec. 138.** RCW 68.50.110 and 1987 c 331 s 60 are each amended to  
18 read as follows:

19 Except in cases of dissection provided for in RCW 68.50.100, and  
20 where (~~(a dead body)~~) human remains shall rightfully be carried through  
21 or removed from the state for the purpose of burial elsewhere, (~~(every~~  
22 ~~dead body of a human being)~~) human remains lying within this state, and  
23 the remains of any dissected body, after dissection, shall be decently  
24 buried, or cremated within a reasonable time after death.

25 **Sec. 139.** RCW 68.50.130 and 1943 c 247 s 28 are each amended to  
26 read as follows:

27 Every person who (~~(permanently deposits or disposes)~~) performs a  
28 disposition of any human remains, except as otherwise provided by law,  
29 in any place, except in a cemetery or a building dedicated exclusively  
30 for religious purposes, is guilty of a misdemeanor. Disposition of  
31 cremated human remains may also occur on private property, with the  
32 consent of the property owner; and on public or government lands or  
33 waters with the approval of the government agency that has either  
34 jurisdiction or control, or both, of the lands or waters.

1           **Sec. 140.** RCW 68.50.140 and 2003 c 53 s 308 are each amended to  
2 read as follows:

3           (1) Every person who shall remove (~~((the dead body of a))~~) human  
4 (~~((being))~~) remains, or any part thereof, from a grave, vault, or other  
5 place where the same has been buried or deposited awaiting burial or  
6 cremation, without authority of law, with intent to sell the same, or  
7 for the purpose of securing a reward for its return, or for dissection,  
8 or from malice or wantonness, is guilty of a class C felony (~~((and shall~~  
9 ~~be punished by imprisonment in a state correctional facility for not~~  
10 ~~more than five years, or by a fine of not more than one thousand~~  
11 ~~dollars, or by both))~~).

12           (2) Every person who shall purchase or receive, except for burial  
13 or cremation, (~~((any such dead body,))~~) human remains or any part  
14 thereof, knowing that the same has been removed contrary to the  
15 foregoing provisions, is guilty of a class C felony (~~((and shall be~~  
16 ~~punished by imprisonment in a state correctional facility for not more~~  
17 ~~than three years, or by a fine of not more than one thousand dollars,~~  
18 ~~or by both))~~).

19           (3) Every person who shall open a grave or other place of  
20 interment, temporary or otherwise, or a building where (~~((such dead body~~  
21 ~~is deposited while awaiting burial or cremation, with intent to remove~~  
22 ~~the body or any part thereof, for the purpose of selling or demanding~~  
23 ~~money for the same, for dissection, from malice or wantonness, or))~~)  
24 human remains are placed, with intent to sell or remove the (~~((coffin))~~)  
25 casket, urn, or of any part thereof, or anything attached thereto, or  
26 any vestment, or other article interred, or intended to be interred  
27 with the (~~((body))~~) human remains, is guilty of a class C felony (~~((and~~  
28 ~~shall be punished by imprisonment in a state correctional facility for~~  
29 ~~not more than three years, or by a fine of not more than one thousand~~  
30 ~~dollars, or by both))~~).

31           (4) Every person who removes, disinters, or mutilates human remains  
32 from a place of interment, without authority of law, is guilty of a  
33 class C felony.

34           **Sec. 141.** RCW 68.50.160 and 1993 c 297 s 1 are each amended to  
35 read as follows:

36           (1) A person has the right to control the disposition of his or her  
37 own remains without the predeath or postdeath consent of another

1 person. A valid written document expressing the decedent's wishes  
2 regarding the place or method of disposition of his or her remains,  
3 signed by the decedent in the presence of a witness, is sufficient  
4 legal authorization for the procedures to be accomplished.

5 (2) Prearrangements that are prepaid, or filed with a licensed  
6 funeral establishment or cemetery authority, under RCW 18.39.280  
7 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation  
8 or substantial revision by survivors. Absent actual knowledge of  
9 contrary legal authorization under this section, a licensed funeral  
10 establishment or cemetery authority shall not be held criminally nor  
11 civilly liable for acting upon such prearrangements.

12 (3) If the decedent has not made a prearrangement as set forth in  
13 subsection (2) of this section or the costs of executing the decedent's  
14 wishes regarding the disposition of the decedent's remains exceeds a  
15 reasonable amount or directions have not been given by the decedent,  
16 the right to control the disposition of the remains of a deceased  
17 person vests in, and the duty of disposition and the liability for the  
18 reasonable cost of preparation, care, and disposition of such remains  
19 devolves upon the following in the order named:

20 (a) The surviving spouse.

21 (b) The surviving adult children of the decedent.

22 (c) The surviving parents of the decedent.

23 (d) The surviving siblings of the decedent.

24 (e) A person acting as a representative of the decedent under the  
25 signed authorization of the decedent.

26 (4) If a cemetery authority as defined in RCW 68.04.190 or a  
27 funeral establishment licensed under chapter 18.39 RCW has made a good  
28 faith effort to locate the person cited in subsection (3)(a) through  
29 (e) of this section or the legal representative of the decedent's  
30 estate, the cemetery authority or funeral establishment shall have the  
31 right to rely on an authority to bury or cremate the human remains,  
32 executed by the most responsible party available, and the cemetery  
33 authority or funeral establishment may not be held criminally or  
34 civilly liable for burying or cremating the human remains. In the  
35 event any government agency provides the funds for the disposition of  
36 any human remains and the government agency elects to provide funds for  
37 cremation only, the cemetery authority or funeral establishment may not  
38 be held criminally or civilly liable for cremating the human remains.

1       (5) The liability for the reasonable cost of preparation, care, and  
2 disposition devolves jointly and severally upon all kin of the decedent  
3 in the same degree of kindred, in the order listed in subsection (3) of  
4 this section, and upon the estate of the decedent.

5       **Sec. 142.** RCW 68.50.170 and 1943 c 247 s 30 are each amended to  
6 read as follows:

7       Any person signing any authorization for the interment or cremation  
8 of any human remains warrants the truthfulness of any fact set forth in  
9 the authorization, the identity of the person whose human remains are  
10 sought to be interred or cremated, and his or her authority to order  
11 interments or cremation. ~~((He))~~ That person is personally liable for  
12 all damage occasioned by or resulting from breach of such warranty.

13       **Sec. 143.** RCW 68.50.185 and 1987 c 331 s 61 are each amended to  
14 read as follows:

15       (1) A person authorized to dispose of human remains shall not  
16 cremate or cause to be cremated more than one ~~((body))~~ human remains at  
17 a time unless written permission, after full and adequate disclosure  
18 regarding the manner of cremation, has been received from the person or  
19 persons under RCW 68.50.160 having the authority to order cremation.  
20 This restriction shall not apply when equipment, techniques, or devices  
21 are employed that keep human remains separate and distinct before,  
22 during, and after the cremation process.

23       (2) Violation of this section is a gross misdemeanor.

24       **Sec. 144.** RCW 68.50.200 and 1943 c 247 s 33 are each amended to  
25 read as follows:

26       ~~((The))~~ Human remains ~~((of a deceased person))~~ may be removed from  
27 a plot in a cemetery with the consent of the cemetery authority and the  
28 written consent of one of the following in the order named:

- 29       (1) The surviving spouse.  
30       (2) The surviving children of the decedent.  
31       (3) The surviving parents of the decedent.  
32       (4) The surviving brothers or sisters of the decedent.

33       If the required consent cannot be obtained, permission by the  
34 superior court of the county where the cemetery is situated is



1 sufficient: PROVIDED, That the permission shall not violate the terms  
2 of a written contract or the rules and regulations of the cemetery  
3 authority.

4 **Sec. 145.** RCW 68.50.220 and 1987 c 331 s 62 are each amended to  
5 read as follows:

6 RCW 68.50.200 and 68.50.210 do not apply to or prohibit the removal  
7 of any human remains from one plot to another in the same cemetery or  
8 the removal of remains by a cemetery authority from a plot for which  
9 the purchase price is past due and unpaid, to some other suitable  
10 place; nor do they apply to the disinterment of human remains upon  
11 order of court or coroner. However, a cemetery authority shall provide  
12 notification to the person cited in RCW 68.50.200 before moving human  
13 remains.

14 **Sec. 146.** RCW 68.50.230 and 1985 c 402 s 9 are each amended to  
15 read as follows:

16 Whenever any (~~dead~~) human (~~body~~) remains shall have been in the  
17 lawful possession of any person, firm, corporation, or association for  
18 a period of (~~one year~~) ninety days or more, (~~or whenever the~~  
19 ~~incinerated remains of any dead human body have been in the lawful~~  
20 ~~possession of any person, firm, corporation or association for a period~~  
21 ~~of two years or more,~~) and the relatives of, or persons interested in,  
22 the deceased person shall fail, neglect, or refuse (~~for such periods~~  
23 ~~of time, respectively,~~) to direct the disposition (~~to be made of such~~  
24 ~~body or remains, such body or~~), the human remains may be disposed of  
25 by the person, firm, corporation, or association having such lawful  
26 possession thereof, under and in accordance with rules adopted by the  
27 cemetery board and the board of funeral directors and embalmers, not  
28 inconsistent with any statute of the state of Washington or rule (~~or~~  
29 ~~regulation prescribed~~) adopted by the state board of health.

30 **Sec. 147.** RCW 68.50.240 and 1943 c 247 s 39 are each amended to  
31 read as follows:

32 The person in charge of any premises on which interments or  
33 cremations are made shall keep a record of all human remains interred  
34 or cremated on the premises under his or her charge, in each case

1 stating the name of each deceased person, date of cremation or  
2 interment, and name and address of the funeral ((director))  
3 establishment.

4 **Sec. 148.** RCW 68.50.270 and 1987 c 331 s 63 are each amended to  
5 read as follows:

6 The person or persons determined under RCW 68.50.160 as having  
7 authority to order cremation shall be entitled to possession of the  
8 cremated human remains without further intervention by the state or its  
9 political subdivisions.

10 **Sec. 149.** RCW 68.56.040 and 2003 c 53 s 313 are each amended to  
11 read as follows:

12 Every person, firm, or corporation who is the owner or operator of  
13 a cemetery established in violation of this act is guilty of  
14 maintaining a public nuisance, which is a gross misdemeanor(~~(, and upon~~  
15 ~~conviction is punishable by a fine of not less than five hundred~~  
16 ~~dollars nor more than five thousand dollars or by imprisonment in a~~  
17 ~~county jail for not less than one month nor more than six months, or by~~  
18 ~~both; and, in addition is liable for all costs, expenses, and~~  
19 ~~disbursements paid or incurred in prosecuting the case)).~~

20 **Sec. 150.** RCW 68.60.030 and 1995 c 399 s 168 are each amended to  
21 read as follows:

22 (1)(a) The archaeological and historical division of the department  
23 of community, trade, and economic development may grant by  
24 nontransferable certificate authority to maintain and protect an  
25 abandoned cemetery upon application made by a preservation organization  
26 which has been incorporated for the purpose of restoring, maintaining,  
27 and protecting an abandoned cemetery. Such authority shall be limited  
28 to the care, maintenance, restoration, protection, and historical  
29 preservation of the abandoned cemetery, and shall not include authority  
30 to make burials(~~(, unless specifically granted by the cemetery board)~~).  
31 In order to activate a historical cemetery for burials, an applicant  
32 must apply for a certificate of authority to operate a cemetery from  
33 the state cemetery board.

34 (b) Those preservation and maintenance corporations that are  
35 granted authority to maintain and protect an abandoned cemetery shall

1 be entitled to hold and possess burial records, maps, and other  
2 historical documents as may exist. Maintenance and preservation  
3 corporations that are granted authority to maintain and protect an  
4 abandoned cemetery shall not be liable to those claiming burial rights,  
5 ancestral ownership, or to any other person or organization alleging to  
6 have control by any form of conveyance not previously recorded at the  
7 county auditor's office within the county in which the abandoned  
8 cemetery exists. Such organizations shall not be liable for any  
9 reasonable alterations made during restoration work on memorials,  
10 roadways, walkways, features, plantings, or any other detail of the  
11 abandoned cemetery.

12 (c) Should the maintenance and preservation corporation be  
13 dissolved, the archaeological and historical division of the department  
14 of community, trade, and economic development shall revoke the  
15 certificate of authority.

16 (d) Maintenance and preservation corporations that are granted  
17 authority to maintain and protect an abandoned cemetery may establish  
18 care funds (~~(pursuant to chapter 68.44 RCW, and shall report in~~  
19 ~~accordance with chapter 68.44 RCW to the state cemetery board)).~~

20 (2) Except as provided in subsection (1) of this section, the  
21 department of community, trade, and economic development may, in its  
22 sole discretion, authorize any Washington nonprofit corporation that is  
23 not expressly incorporated for the purpose of restoring, maintaining,  
24 and protecting an abandoned cemetery, to restore, maintain, and protect  
25 one or more abandoned cemeteries. The authorization may include the  
26 right of access to any burial records, maps, and other historical  
27 documents, but shall not include the right to be the permanent  
28 custodian of original records, maps, or documents. This authorization  
29 shall be granted by a nontransferable certificate of authority. Any  
30 nonprofit corporation authorized and acting under this subsection is  
31 immune from liability to the same extent as if it were a preservation  
32 organization holding a certificate of authority under subsection (1) of  
33 this section.

34 (3) The department of community, trade, and economic development  
35 shall establish standards and guidelines for granting certificates of  
36 authority under subsections (1) and (2) of this section to assure that  
37 any restoration, maintenance, and protection activities authorized

1 under this subsection are conducted and supervised in an appropriate  
2 manner.

3 **Sec. 151.** RCW 70.58.005 and 1991 c 3 s 342 are each amended to  
4 read as follows:

5 ~~((Unless the context clearly requires otherwise,))~~ The definitions  
6 in this section apply throughout this chapter unless the context  
7 clearly requires otherwise.

8 (1) "Business days" means Monday through Friday except official  
9 state holidays.

10 (2) "Department" means the department of health.

11 ~~((+2))~~ (3) "Embalmer" means a person licensed as required in  
12 chapter 18.39 RCW and defined in RCW 18.39.010.

13 (4) "Funeral director" means a person licensed as required in  
14 chapter 18.39 RCW and defined in RCW 18.39.010.

15 (5) "Vital records" means records of birth, death, fetal death,  
16 marriage, dissolution, annulment, and legal separation, as maintained  
17 under the supervision of the state registrar of vital statistics.

18 **Sec. 152.** RCW 70.58.082 and 1997 c 108 s 1 are each amended to  
19 read as follows:

20 No person may prepare or issue any ~~((birth certificate))~~ vital  
21 record that purports to be an original, certified copy, or copy of a  
22 ~~((birth certificate))~~ vital record except as authorized in this  
23 chapter.

24 The department shall adopt rules providing for the release of paper  
25 or electronic copies of ~~((birth certificate))~~ vital records that  
26 include adequate standards for security and confidentiality, ~~((assure))~~  
27 ensure the proper record is identified, and prevent fraudulent use of  
28 records. All certified copies of ~~((birth certificates))~~ vital records  
29 in the state must be on paper and in a format provided and approved by  
30 the department and must include security features to deter the  
31 alteration, counterfeiting, duplication, or simulation without ready  
32 detection.

33 Federal, state, and local governmental agencies may, upon request  
34 and with submission of the appropriate fee, be furnished copies of  
35 ~~((birth certificates))~~ vital records if the ~~((birth certificate))~~ vital  
36 record will be used for the agencies' official duties. The department

1 may enter into agreements with offices of vital statistics outside the  
2 state for the transmission of copies of (~~(birth certificates)~~) vital  
3 records to those offices when the (~~(birth certificates)~~) vital records  
4 relate to residents of those jurisdictions and receipt of copies of  
5 (~~(birth certificates)~~) vital records from those offices. The agreement  
6 must specify the statistical and administrative purposes for which the  
7 (~~(birth certificates)~~) vital records may be used and must provide  
8 instructions for the proper retention and disposition of the copies.  
9 Copies of (~~(birth certificates)~~) vital records that are received by the  
10 department from other offices of vital statistics outside the state  
11 must be handled as provided under the agreements.

12 The department may disclose information that may identify any  
13 person named in any birth certificate record for research purposes as  
14 provided under chapter 42.48 RCW.

15 **Sec. 153.** RCW 70.58.160 and 1961 ex.s. c 5 s 12 are each amended  
16 to read as follows:

17 A certificate of every death or fetal death shall be filed with the  
18 local registrar of the district in which the death or fetal death  
19 occurred within three business days after the occurrence is known, or  
20 if the place of death or fetal death is not known, then with the local  
21 registrar of the district in which the (~~(body is)~~) human remains are  
22 found within (~~(twenty-four hours)~~) one business day thereafter. In  
23 every instance a certificate shall be filed prior to the interment or  
24 other disposition of the (~~(body:—PROVIDED, That)~~) human remains.  
25 However, a certificate of fetal death shall not be required if the  
26 period of gestation is less than twenty weeks.

27 **Sec. 154.** RCW 70.58.170 and 2000 c 133 s 1 are each amended to  
28 read as follows:

29 The funeral director or person (~~(in charge of interment)~~) having  
30 the right to control the disposition of the human remains under RCW  
31 68.50.160 shall file the certificate of death or fetal death. In  
32 preparing such certificate, the funeral director or person (~~(in charge~~  
33 ~~of interment)~~) having the right to control the disposition of the human  
34 remains under RCW 68.50.160 shall obtain and enter on the certificate  
35 such personal data as the certificate requires from the person or  
36 persons best qualified to supply them. He or she shall present the

1 certificate of death to the physician, physician's assistant, or  
2 advanced registered nurse practitioner last in attendance upon the  
3 deceased, or, if the deceased died without medical attendance, to the  
4 health officer, coroner, or prosecuting attorney having jurisdiction,  
5 who shall thereupon certify the cause of death according to his or her  
6 best knowledge and belief and shall sign the certificate of death or  
7 fetal death within two business days after being presented with the  
8 certificate unless good cause for not signing the certificate within  
9 the two business days can be established. He or she shall present the  
10 certificate of fetal death to the physician, physician's assistant,  
11 advanced registered nurse practitioner, midwife, or other person in  
12 attendance at the fetal death, who shall certify the fetal death and  
13 such medical data pertaining thereto as he or she can furnish.

14 **Sec. 155.** RCW 70.58.180 and 2000 c 133 s 2 are each amended to  
15 read as follows:

16 If the death occurred without medical attendance, the funeral  
17 director or person (~~(in charge of interment)~~) having the right to  
18 control the disposition of the human remains under RCW 68.50.160 shall  
19 notify the coroner, or prosecuting attorney if there is no coroner in  
20 the county. If the circumstances suggest that the death or fetal death  
21 was caused by unlawful or unnatural causes or if there is no local  
22 health officer with jurisdiction, the coroner, or if none, the  
23 prosecuting attorney shall complete and sign the certification, noting  
24 upon the certificate that no physician, physician's assistant, or  
25 advanced registered nurse practitioner was in attendance at the time of  
26 death. In case of any death without medical attendance in which there  
27 is no suspicion of death from unlawful or unnatural causes, the local  
28 health officer or his or her deputy, the coroner and if none, the  
29 prosecuting attorney, shall complete and sign the certification, noting  
30 upon the certificate that no physician, physician's assistant, or  
31 advanced registered nurse practitioner was in attendance at the time of  
32 death, and noting the cause of death without the holding of an inquest  
33 or performing of an autopsy or post mortem, but from statements of  
34 relatives, persons in attendance during the last sickness, persons  
35 present at the time of death or other persons having adequate knowledge  
36 of the facts.

1 The cause of death, the manner and mode in which death occurred, as  
2 noted by the coroner or if none, the prosecuting attorney or the health  
3 officer and incorporated in the death certificate filed with the bureau  
4 of vital statistics of the board of health shall be the legally  
5 accepted manner and mode by which the deceased came to his or her death  
6 and shall be the legally accepted cause of death.

7 **Sec. 156.** RCW 70.58.190 and 1945 c 159 s 4 are each amended to  
8 read as follows:

9 If the cause of death cannot be determined within three business  
10 days, the certification of its cause may be filed after the prescribed  
11 period, but the attending physician, coroner, or prosecuting attorney  
12 shall give the local registrar of the district in which the death  
13 occurred written notice of the reason for the delay, in order that a  
14 permit for the disposition of the ((body)) human remains may be issued  
15 if required.

16 **Sec. 157.** RCW 70.58.230 and 1961 ex.s. c 5 s 16 are each amended  
17 to read as follows:

18 It shall be unlawful for any person to inter, deposit in a vault,  
19 grave, or tomb, cremate, or otherwise dispose of, or disinter or remove  
20 from one registration district to another, or hold for more than  
21 ((seventy-two hours)) three business days after death, the ((body or))  
22 human remains of any person whose death occurred in this state or any  
23 ((body)) human remains which shall be found in this state, without  
24 obtaining, from the local registrar of the district in which the death  
25 occurred or in which the ((body was)) human remains were found, a  
26 permit for the burial, disinterment, or removal of ((such body:  
27 PROVIDED, That)) the human remains. However, a licensed funeral  
28 director or embalmer of this state or a funeral establishment licensed  
29 in another state contiguous to Washington, with a current certificate  
30 of removal registration issued by the director of the department of  
31 licensing, may remove ((a body)) human remains from the district where  
32 the death occurred to another registration district or Oregon or Idaho  
33 without having obtained a permit but in such cases the funeral director  
34 or embalmer shall at the time of removing ((a body)) human remains file  
35 with or mail to the local registrar of the district where the death  
36 occurred a notice of removal upon a blank to be furnished by the state

1 registrar. The notice of removal shall be signed by the funeral  
2 director or embalmer and shall contain the name and address of the  
3 local registrar with whom the certificate of death will be filed and  
4 the burial-transit permit secured. Every local registrar, accepting a  
5 death certificate and issuing a burial-transit permit for a death that  
6 occurred outside his or her district, shall be entitled to a fee of one  
7 dollar to be paid by the funeral director or embalmer at the time the  
8 death certificate is accepted and the permit is secured. It shall be  
9 unlawful for any person to bring into or transport within the state or  
10 inter, deposit in a vault, grave, or tomb, or cremate or otherwise  
11 dispose of (~~the body or~~) human remains of any person whose death  
12 occurred outside this state unless (~~such body or~~) the human remains  
13 (~~be~~) are accompanied by a removal or transit permit issued in  
14 accordance with the law and health regulations in force where the death  
15 occurred, or unless a special permit for bringing (~~such body~~) the  
16 human remains into this state shall be obtained from the state  
17 registrar.

18 **Sec. 158.** RCW 70.58.240 and 1961 ex.s. c 5 s 17 are each amended  
19 to read as follows:

20 Each funeral director or person (~~acting as such~~) having the right  
21 to control the disposition of the human remains under RCW 68.50.160  
22 shall obtain a certificate of death, sign and file the (~~same~~)  
23 certificate with the local registrar, and secure a burial-transit  
24 permit, prior to any permanent disposition of the (~~body~~) human  
25 remains. He or she shall obtain the personal and statistical  
26 particulars required, from the person best qualified to supply them.  
27 He or she shall present the certificate to the attending physician or  
28 in case the death occurred without any medical attendance, to the  
29 proper official for certification for the medical certificate of the  
30 cause of death and other particulars necessary to complete the record.  
31 He or she shall supply the information required relative to the date  
32 and place of disposition and he or she shall sign and present the  
33 completed certificate to the local registrar, for the issuance of a  
34 burial-transit permit. He or she shall deliver the burial permit to  
35 the sexton, or person in charge of the place of burial, before  
36 interring the (~~body~~) human remains; or shall attach the transit



1 permit to the box containing the corpse, when shipped by any  
2 transportation company, and the permit shall accompany the corpse to  
3 its destination.

4 **Sec. 159.** RCW 70.58.260 and 1915 c 180 s 7 are each amended to  
5 read as follows:

6 It shall be unlawful for any person in charge of any premises in  
7 which bodies of deceased persons are interred, cremated, or otherwise  
8 permanently disposed of, to permit the interment, cremation, or other  
9 disposition of any body upon such premises unless it is accompanied by  
10 a burial, removal, or transit permit as (~~hereinabove~~) provided in  
11 this chapter. It shall be the duty of the person in charge of any such  
12 premises to, in case of the interment, cremation, or other disposition  
13 of (~~a body~~) human remains therein, endorse upon the permit the date  
14 and character of such disposition, over his or her signature, to return  
15 all permits so endorsed to the local registrar of (~~his~~) the district  
16 in which the death occurred within ten days from the date of such  
17 disposition, and to keep a record of all (~~bodies~~) human remains  
18 disposed of on the premises under his or her charge, stating, in each  
19 case, the name of the deceased person, if known, the place of death,  
20 the date of burial or other disposition, and the name and address of  
21 the undertaker, which record shall at all times be open to public  
22 inspection, and it shall be the duty of every undertaker, or person  
23 acting as such, when burying (~~a body~~) human remains in a cemetery or  
24 burial grounds having no person in charge, to sign the burial, removal,  
25 or transit permit, giving the date of burial, write across the face of  
26 the permit the words "no person in charge", and file the burial,  
27 removal, or transit permit within ten days with the registrar of the  
28 district in which the (~~cemetery is located~~) death occurred.

29 **Sec. 160.** RCW 70.58.390 and 1981 c 176 s 1 are each amended to  
30 read as follows:

31 A county coroner, medical examiner, or the prosecuting attorney  
32 having jurisdiction may (~~issue~~) file a certificate of presumed death  
33 when the official (~~issuing~~) filing the certificate determines to the  
34 best of the official's knowledge and belief that there is sufficient  
35 circumstantial evidence to indicate that a person has in fact died in  
36 the county or in waters contiguous to the county (~~as a result of an~~

1 ~~accident or natural disaster, such as a drowning, flood, earthquake,~~  
2 ~~volcanic eruption, or similar occurrence,))~~ and that it is unlikely  
3 that the body will be recovered. The certificate shall recite, to the  
4 extent possible, the date, circumstances, and place of the death, and  
5 shall be the legally accepted fact of death.

6 In the event that the county in which the death occurred cannot be  
7 determined with certainty, the county coroner, medical examiner, or  
8 prosecuting attorney in the county in which the events occurred and in  
9 which the decedent was last known to be alive may (~~issue~~) file a  
10 certificate of presumed death under this section.

11 The official (~~issuing~~) filing the certificate of presumed death  
12 shall file the certificate with the (~~state~~) local registrar of  
13 (~~vital statistics~~) the county where the death was presumed to have  
14 occurred, and thereafter all persons and parties acting in good faith  
15 may rely thereon with acquittance.

16 NEW SECTION. Sec. 161. The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 18.39.148 (Funeral establishment license--Cancellation--  
19 Hearing) and 1986 c 259 s 62, 1981 c 43 s 9, & 1977 ex.s. c 93 s 4;

20 (2) RCW 68.04.090 ("Crematory and columbarium") and 1943 c 247 s 9;

21 (3) RCW 68.04.180 ("Temporary receiving vault") and 1943 c 247 s  
22 18;

23 (4) RCW 68.04.200 ("Cemetery corporation", "cemetery association",  
24 "cemetery corporation or association") and 1943 c 247 s 20;

25 (5) RCW 68.04.220 ("Directors," "governing body") and 1943 c 247 s  
26 22;

27 (6) RCW 68.05.185 (Requirements as to crematories) and 1987 c 331  
28 s 14 & 1943 c 247 s 56;

29 (7) RCW 68.20.090 (Permit required, when) and 1943 c 247 s 144;

30 (8) RCW 68.20.130 (Ground plans) and 1905 c 64 s 1 & 1899 c 33 s 6;

31 (9) RCW 68.24.175 (Inspection of records) and 1943 c 247 s 41;

32 (10) RCW 68.32.120 (Order of interment, when no parent or child  
33 survives) and 1943 c 247 s 100;

34 (11) RCW 68.36.090 (Disposition of proceeds) and 1953 c 290 s 3 &  
35 1943 c 247 s 86;

36 (12) RCW 68.46.150 (Sales licenses--Qualifications) and 1979 c 21  
37 s 40;

- 1 (13) RCW 68.50.135 (Individual's remains--Burial on island solely  
2 owned by individual, immediate family, or estate) and 1984 c 53 s 7;  
3 (14) RCW 68.50.145 (Removing remains--Penalty) and 2003 c 53 s 309,  
4 1992 c 7 s 45, & 1943 c 247 s 25;  
5 (15) RCW 68.50.150 (Mutilating, disinterring human remains--  
6 Penalty) and 2003 c 53 s 310, 1992 c 7 s 46, & 1943 c 247 s 26;  
7 (16) RCW 68.50.165 (Embalming services--When provided without  
8 charge) and 1985 c 402 s 2;  
9 (17) RCW 68.50.180 (Right to rely on authorization--State agency  
10 funding for cremation) and 1993 c 43 s 5, 1979 c 21 s 14, & 1943 c 247  
11 s 31;  
12 (18) RCW 68.50.190 (Liability for damages--Limitation) and 1943 c  
13 247 s 32; and  
14 (19) RCW 68.50.250 (Crematory record of caskets--Penalty) and 2003  
15 c 53 s 311 & 1943 c 247 s 57.

Passed by the Senate April 16, 2005.

Passed by the House April 6, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.