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March 28, 2019

ENGROSSED HOUSE
BILL NO. 1208

By: Newton of the House

and

Pederson of the Senate

An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 188 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. After a period of seventy-five (75) years since the last recorded activity on a burial space, as defined by Section 7102 of Title 36 of the Oklahoma Statutes, and after a reasonable search for heirs and beneficiaries, an unused burial site shall be abandoned and the right of ownership in the burial site shall revert to the private or public cemetery, after the cemetery has met the requirements of this section.

1 B. 1. A reasonable search for heirs and beneficiaries pursuant
2 to this section shall include:

3 a. sending a certified letter of notice by the entity
4 responsible for the cemetery to the last-known address
5 of the record property owner; however, if no address
6 is available, then no letter shall be required, and

7 b. publishing a copy of the description of the abandoned
8 burial space in a newspaper qualified to publish
9 public notices pursuant to Section 106 of Title 25 of
10 the Oklahoma Statutes in the county of the last-known
11 address of the record owner for three (3) weeks;
12 however, if no address is available, then publication
13 shall take place in the county where the burial space
14 is located.

15 2. If no person proves ownership of the burial space within one
16 (1) year after the publication, the burial space shall be deemed
17 abandoned for purposes of this section.

18 C. Any person with a legitimate claim to a burial space that
19 has been deemed abandoned pursuant to this section and has been used
20 or sold by the private or public cemetery shall have the claim
21 settled by receiving an equal burial space in an equivalent location
22 as the burial space that reverted to the private or public cemetery.
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SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
March 28, 2019 - DO PASS