

## SENATE BILL No. 357

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14-46.

**Synopsis:** Cemeteries. Provides that a cemetery owner may request proof of insurance up to \$300,000 from a contractor hired by an owner. Provides that an owner of a cemetery and a lot owner have the right to provide maintenance to the cemetery. (Currently, only the owner of a cemetery or an authorized representative of the cemetery owner holds the exclusive right to provide maintenance to the cemetery.) Provides that a cemetery owner shall clearly mark a lot, plot, burial space, or section for purposes of identifying the area to be prepared for interment by a contractor hired by an owner. Provides that the cemetery owner may not charge a service fee for marking a lot, plot, burial space, or section unless the fee is included with the purchase price and collected at the same time and in the same manner that the purchase price for the lot, plot, burial space, or section was collected.

**Effective:** July 1, 2021.

---

---

## Mishler

---

---

January 11, 2021, read first time and referred to Committee on Local Government.

---

---



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## SENATE BILL No. 357

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-46-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Subject to  
3 subsection (b), the owner of a cemetery:  
4 (1) may make, adopt, and enforce rules and regulations:  
5 (A) for the use, care, control, management, restriction, and  
6 protection of all parts and subdivisions of the cemetery;  
7 (B) for restricting, limiting, and regulating the use of all  
8 property within the cemetery;  
9 (C) for regulating the care of plants or shrubs within the  
10 grounds and preventing the introduction of certain types of  
11 plants or shrubs;  
12 (D) for regulating the conduct of persons and preventing  
13 improper assemblages in the cemetery; and  
14 (E) for all other purposes considered necessary by the owner  
15 of the cemetery for the proper conduct of the business of the  
16 cemetery and the protection and safeguarding of the premises  
17 and the principles, plans, and ideals on which the cemetery



- 1 was organized; ~~and~~
- 2 (2) may periodically amend, add to, revise, change, modify, or
- 3 abolish the rules and regulations; ~~and~~
- 4 **(3) may request proof of insurance up to three hundred**
- 5 **thousand dollars (\$300,000) from a contractor hired by an**
- 6 **owner.**
- 7 (b) A cemetery to which this chapter applies may not adopt a rule
- 8 or regulation in conflict with IC 23-14-33 through IC 23-14-57, except
- 9 as expressly permitted by IC 23-14-39, IC 23-14-40, or IC 23-14-41.
- 10 SECTION 2. IC 23-14-46-7 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. ~~(a) Because~~ The
- 12 owner of a cemetery is responsible for the performance of the care and
- 13 maintenance of the cemetery, ~~but~~ a cemetery owner ~~and lot owner has~~
- 14 ~~have~~ the ~~exclusive~~ right to:
- 15 (1) open and close a grave or grave space, burial space, crypt, or
- 16 niche in the cemetery;
- 17 (2) set or install a:
- 18 (A) marker;
- 19 (B) monument; or
- 20 (C) any type of memorial;
- 21 in the cemetery; and
- 22 (3) install any kind of foundation or other type of base for the
- 23 marker, monument, or any type of memorial in the cemetery.
- 24 This ~~exclusive~~ right may also be exercised by the authorized
- 25 representative of the owner of the cemetery.
- 26 **(b) A cemetery owner:**
- 27 **(1) shall clearly mark a lot, plot, burial space, or section for**
- 28 **purposes of identifying the area to be prepared for interment**
- 29 **by a contractor hired by an owner; and**
- 30 **(2) may not charge a fee for providing the service described**
- 31 **in subdivision (1) unless the fee is:**
- 32 **(A) included in the purchase price for the lot, plot, burial**
- 33 **space, or section; and**
- 34 **(B) collected at the same time and in the same manner that**
- 35 **the purchase price for the lot, plot, burial space, or section**
- 36 **was collected.**

