

SENATE BILL NO. 168

BY SENATOR WALSWORTH

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

To amend and reenact R.S. 8:606(B) and (C), and 706 and to enact R.S. 8:1(22.1) and 606(D), relative to cemeteries; to provide for commencement and completion requirements of mausoleums or similar structures; to provide for commencement and the completion requirements of improvements on undeveloped cemetery property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 8:606(B) and (C), and 706 are hereby amended and reenacted and R.S. 8:1(22.1) and 606(D) are hereby enacted to read as follows:

§1. Definitions

As used in this Title the following words and phrases, unless the context otherwise clearly indicates, shall have the meaning hereinafter ascribed to each:

\* \* \*

**(22.1) "Force majeure" means any of the following circumstances:**

**(a) A major storm, major flood, or other similar natural disaster.**

**(b) A major accident beyond the cemetery authority's control and not ultimately found to be the fault of the cemetery authority.**

**(c) The delay by the federal government or any of its agencies, or the state or any of its agencies or political subdivisions in granting necessary permits.**

**(d) A valid order of any federal or state court of competent jurisdiction that prevents the timely completion of a project.**

\* \* \*

§606. Commencement and completion requirements

\* \* \*

B. A cemetery authority shall be required to commence construction pursuant to the plans filed with the board within forty-eight months after the date of the first sale of each section of the structure in which sales, contracts for sales, or reservations for sales are being made, and the construction of each such section shall be completed within five years after the date of the said first sale. However, extensions not to exceed one year, may be granted by the board for reasonable cause.

**Further extensions may be granted pursuant to Subsection C of this Section.**

If the structure is not completed within the time specified herein, all monies paid plus any monetary penalties assessed by the board shall be paid to the purchasers, unless the cemetery authority delivers a completed interment space acceptable to the purchaser in lieu of the interment space purchased.

**C. The board, at its discretion, may grant an extension to the time period set forth in Subsection B of this Section based upon the occurrence of a force majeure event. Such an extension shall be granted only for reasonable cause. Each force majeure event shall be treated as a separate incident.**

~~E.D.~~ Failure to commence or complete a section within the time herein required shall be a misdemeanor punishable by fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment of not less than thirty days nor more than one year, or both.

\* \* \*

§706. Commencement and completion requirements

A. A cemetery authority shall commence the installation of the necessary improvements to the undeveloped land in which sales, contracts for sales, or reservations for sales are being made, within twenty-four months after the date of the first such sale. The completion of all such necessary improvements shall be no later than forty-eight months after the date of the first sale. However, extensions for completion, not to exceed six months, may be granted by the board for reasonable cause, but in no event shall any such extension exceed one year, **with the exception of extensions provided pursuant to Subsection B of this Section.**

1                    **B. The board, at its discretion, may grant an extension to the time period**  
 2                    **set forth in Subsection A of this Section based upon the occurrence of a force**  
 3                    **majeure event. Such an extension shall be granted only for reasonable cause.**  
 4                    **Each force majeure event shall be treated as a separate incident.**

5                    ~~B.C.~~ Failure to commence and/or complete development within the time  
 6                    herein required shall be a misdemeanor punishable by fine of not less than two  
 7                    hundred dollars nor more than one thousand dollars or by imprisonment of not less  
 8                    than thirty days nor more than one year, or both.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_