

1 ENGROSSED HOUSE
2 BILL NO. 1687

By: Newton and Boles of the
House

3 and

4 Pederson of the Senate

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8 An Act relating to cemeteries; providing for method
9 of burial space reversion; providing exception;
10 providing certain guidelines for notification
11 process; providing certain remedy for certain claims;
12 providing for codification; and providing an
13 effective date.

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

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

18 A. Except as otherwise provided in this subsection, after a
19 period of eighty-five (85) years since the last recorded activity on
20 a burial space, as defined by Section 7102 of Title 36 of the
21 Oklahoma Statutes, and after a reasonable search for heirs and
22 beneficiaries, an unused burial site shall be deemed abandoned and
23 the right of ownership in the burial site shall revert to the
24 private or public cemetery after the cemetery has met the

1 requirements of this section. This subsection shall not apply to a
2 burial site where the owner has provided notice to the private or
3 public cemetery of his or her intent to be exempt from the burial
4 space reversion requirement provided in this subsection.

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

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

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

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

22 C. Any person with a legitimate claim to a burial space that
23 has been deemed abandoned pursuant to this section and has been used
24 or sold by the private or public cemetery shall have the claim

1 settled by receiving an equal burial space in an equivalent location
2 as the burial space that reverted to the private or public cemetery.

3 SECTION 2. This act shall become effective November 1, 2021.

4 Passed the House of Representatives the 1st day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2021.

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Presiding Officer of the Senate

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