

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 3165

By: Hickman

5
6 AS INTRODUCED

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

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

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

16 A. After a period of seventy-five (75) years since the last
17 recorded activity on a burial space, as defined by the Perpetual
18 Care Fund Act, and after a reasonable search for heirs and
19 beneficiaries, an unused burial site shall be abandoned and the
20 right of ownership in the burial site shall revert to the private or
21 public cemetery, after the cemetery has met the requirements of this
22 section.

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

- 1 a. sending a certified letter of notice by the entity
2 responsible for the cemetery to the last-known address
3 of the record property owner; however, if no address
4 is available, then no letter shall be required, and
5 b. publishing a copy of the description of the abandoned
6 burial space in a newspaper qualified to publish
7 public notices pursuant to Section 106 of Title 25 of
8 the Oklahoma Statutes in the county of the last-known
9 address of the record owner for three (3) weeks;
10 however, if no address is available, then publication
11 shall take place in the county where the burial space
12 is located.

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

16 C. Any person with a legitimate claim to a burial space that
17 has been deemed abandoned pursuant to this section and has been used
18 or sold by the private or public cemetery shall have the claim
19 settled by receiving an equal burial space in an equivalent location
20 as the burial space that reverted to the private or public cemetery.

21 SECTION 2. This act shall become effective November 1, 2016.
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23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
24 dated 02/10/2016 - DO PASS.