

HOUSE BILL No. 2275

By Committee on Financial Institutions

2-3

9 AN ACT relating to cemetery companies; concerning cemetery monu-
10 ments and monument companies.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) As used in this section:

14 (1) "Cemetery company" means any legal entity, including corpora-
15 tions, that owns or controls cemetery land or property;

16 (2) "monument" means any product used for identifying a grave site
17 and cemetery memorials of types, including monuments, markers and
18 vases;

19 (3) "monument company" means a facility that operates indepen-
20 dently of a cemetery company and offers to sell monuments or monument
21 services to the public for placement in a cemetery.

22 (b) No person authorized to sell grave space may tie the purchase of
23 any grave space to the purchase of a monument from or through the
24 seller of any other designated person or corporation.

25 (c) Noncemetery persons and firms shall have the right to sell monu-
26 ments and to perform or provide on cemetery property foundation,
27 preparation and installation services for monuments. However, a ceme-
28 tery company or any other entity owning and operating a cemetery may
29 establish reasonable rules regarding the style and size of a monument or
30 its foundation, provided such rules are applicable to all monuments from
31 whatever source obtained and are enforced uniformly as to all monu-
32 ments. Such rules shall be conspicuously posted and readily accessible to
33 inspection and copy by interested persons.

34 (d) No person who is authorized to sell grave space and no cemetery
35 company or other entity owning and operating a cemetery may:

36 (1) Require the payment of a setting or service charge, by whatever
37 name known, from third party installers for the placement of a
38 monument;

39 (2) refuse to provide care or maintenance for any portion of a gra-
40 vesite on which a monument has been placed; or

41 (3) require waiver of liability with respect to damage caused by cem-
42 etery employees or agents to a monument after installation, where the
43 monument or installation service is not purchased from the person au-

1 authorized to sell grave space or the cemetery company providing grave
2 space or from or through any other person or corporation designated by
3 the person authorized to sell grave space or the cemetery company pro-
4 viding grave space. No cemetery company may be held liable for the
5 improper installation of a monument where the monument is not installed
6 by the cemetery company or its agents.

7 (e) If any cemetery company violates the provisions of this section,
8 the monument company may bring an action in any court of competent
9 jurisdiction for damages sustained by such monument company as a con-
10 sequence of the cemetery company's violation. The court may also award
11 court costs and reasonable attorney fees to the prevailing party.

12 Sec. 2. This act shall take effect and be in force from and after its
13 publication in the statute book.