

## CEMETERY REGULATION ACT

### Act 251 of 1968

AN ACT to regulate the creation and management of cemeteries; to provide for a cemetery commissioner and to prescribe the powers and duties of the commissioner; to require the registration and audit of cemeteries; to provide standards regarding the long-term care of certain cemeteries and trusting of certain funds; to regulate persons selling burial, entombment, or columbarium rights and certain merchandise; to provide for qualifications for owners, operators, employees, and transferees of cemeteries under certain circumstances; to provide for the abandonment of interment rights; to allow the cemetery commissioner to conduct certain investigations; and to prescribe administrative and civil remedies and penalties.

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

*The People of the State of Michigan enact:*

#### **456.521 Cemetery regulation act; short title.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

#### **456.522 Definitions.**

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#### **456.522a Commissioner, spouse, or child; financial interest in cemetery, cemetery operations, supplier, or funeral establishment prohibited.**

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#### **456.523-456.527 Repealed. 1982, Act 132, Imd. Eff. Apr. 20, 1982.**

**Compiler's Notes:** <Paragraph><P>The repealed sections pertained to the creation and membership of the state cemetery commission.</P></Paragraph>

#### **456.528 Commissioner; rules.**

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**Admin Rule:** <Paragraph><P>R 456.101 et seq. of the Michigan Administrative Code.</P></Paragraph>

#### **456.529 Commissioner; hearings; investigations; oaths; testimony; witnesses; production of books and records; subpoena; abandoned cemeteries; failure to obey subpoena; perjury; violation of act, rule, or order; powers of commissioner; injunction or restraining order; appointment of receiver or conservator; powers; sale of cemetery; notice to creditors and filing of claims; denial of application; suspension or revocation of permit or registration.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

#### **456.529a Performance of duties of commissioner; assistance from all departments, state agencies, public bodies corporate, committees, commissioners, officers of state, and any political subdivision.**

#### **456.529b Consultants; contracts.**

#### **456.530 Commissioner; auditing trust funds; registration of cemeteries; exemptions.**

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#### **456.531 Commissioner; registration fee; renewal blank and notice.**

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#### **456.532 Permit for registration required; acquisition of controlling interest in cemetery company; application for certificate of approval; contents; issuance; fee; noncompliance; escrow of endowment and perpetual care trust fund; prohibited use of funds; controlling interest defined.**

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**456.532a Examining affairs of cemetery or person; inspection or audit of books, papers, records, and documents; audit charges.**

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**456.533 Establishment of cemetery; application for permit; investigation fee; conduct of investigation; notice to commissioner of certain changes; order to void certain appointments.**

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**456.533a Circumstances causing person to be ineligible as cemetery owner or holder of controlling interest; factors for determining eligibility.**

**456.534 Granting or refusing to grant permit; denial of application; procedures.**

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**456.535 Registration of cemetery; date; application; form; fee; expiration; procedure for denying registration; late penalty filing fee.**

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**456.535a Witness fee; prohibition.**

**456.536 Irrevocable endowment and perpetual care trust fund; establishment and maintenance; commingling prohibited; annual report; application for modification or waiver; expenses; bundling of funds with common ownership; pooling of trust or escrow funds for investment purposes; agreement with regulated financial institutions with trust powers; deposits; agent or seller; deposit requirements; use of interest or income; merchandise trust account; deposit for sale of burial vaults or containers; repayment; installation of vault; contents of cemetery merchandise and services contract; annual reports; deficit in amount of required deposits; penalty; hearing; additional penalty; powers and jurisdiction of attorney general and courts; disposition of fees, charges, and penalties; notice of financial transaction or investment; failure to submit reports under subsections (12) and (13); civil actions.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

**456.536a Preconstruction sales of crypts or niches.**

**456.537 Right to possess space within cemetery; presumption of abandonment; certification; notice; record; remedies; transfer; sale; contract; publication on internet website; exception; intent of section; definitions.**

**Compiler's Notes:** <Paragraph><P>Former MCL 456.537, which pertained to the licensing of salesmen and trainees, was repealed by Act 132 of 1982, Imd. Eff. Apr. 20, 1982.</P></Paragraph>

**456.538 Denial, suspension, or revocation of permit or registration, and other disciplinary action; grounds; effect; fulfillment of contractual obligations and agreements; administrative fine.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

**456.539 Denial, suspension, or revocation of permit or registration; notice of intent; hearing; decision.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

**456.540 Appeal.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the

#### **456.541 Violations; penalties.**

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#### **456.542 Repeal.**

**Compiler's Notes:** <Paragraph><P>For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.</P></Paragraph>

#### **456.543 Effective date of act.**

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