

HOUSE BILL No. 4230

February 12, 1991, Introduced by Reps. Pitoniak, Joe Young, Jr., Weeks, DeMars, Saunders, Leland, Barns, Dobronski, Baade, Dalman, Olshove and Perry Bullard and referred to the Committee on State Affairs.

A bill to amend Act No. 251 of the Public Acts of 1968, entitled as amended
"Cemetery regulation act,"
as amended, being sections 456.521 to 456.543 of the Michigan Compiled Laws, by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 251 of the Public Acts of 1968, as
2 amended, being sections 456.521 to 456.543 of the Michigan
3 Compiled Laws, is amended by adding section 8a to read as
4 follows:

5 SEC. 8A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)
6 OR (3), A GRAVE MEMORIAL THAT HAS BEEN INSTALLED SHALL NOT BE
7 MOVED, DISTURBED, DISRUPTED, OR BE SUBJECTED TO FLUSHING WITHOUT
8 THE PERMISSION OF THE DECEASED'S SURVIVING SPOUSE, CHILD, OR

1 PARENT, OR IF THERE IS NO SURVIVING SPOUSE, CHILD, OR PARENT, A
2 SURVIVING NEXT OF KIN, IF ANY.

3 (2) AN EMPLOYEE OR AGENT OF A CEMETERY MAY PERFORM THE FOL-
4 LOWING ACTIONS ON A GRAVE MEMORIAL THAT HAS BEEN INSTALLED:

5 (A) TEMPORARILY MOVE, REMOVE, DISTURB, OR DISRUPT THE GRAVE
6 MEMORIAL IF THE ACTION IS NECESSARY FOR ITS REPAIR OR RESETTING;
7 THE INSTALLATION OF AN ADJACENT GRAVE MEMORIAL; OR FOR AN INTER-
8 MENT, DISINTERMENT, OR MAINTENANCE OF THE CEMETERY AS LONG AS THE
9 GRAVE MEMORIAL IS REINSTALLED.

10 (B) REMOVE A GRAVE MEMORIAL THAT IS BROKEN OR OTHERWISE IN A
11 CONDITION THAT WOULD BE HAZARDOUS TO THE GENERAL PUBLIC.

12 (C) REMOVE A GRAVE MEMORIAL THAT WAS PURCHASED FROM THE CEM-
13 ETERY ON AN INSTALLMENT BASIS WHERE THE CONSUMER PURCHASING THE
14 GRAVE MEMORIAL HAS DEFAULTED. IN SUCH A CASE, THE CEMETERY SHALL
15 PROVIDE 10 DAYS' WRITTEN NOTICE TO THE PURCHASER OF THE DEFAULT
16 AND OF ITS INTENT TO REMOVE THE MEMORIAL. THE CEMETERY SHALL
17 STORE THE GRAVE MEMORIAL FOR NOT LESS THAN 1 YEAR AFTER THE DATE
18 OF ITS REMOVAL.

19 (3) THIS SECTION DOES NOT PREVENT THE LAWFUL VACATING OF A
20 CEMETERY UNDER ANY OF THE FOLLOWING ACTS:

21 (A) ACT NO. 49 OF THE PUBLIC ACTS OF 1895, BEING SECTIONS
22 128.31 TO 128.36 OF THE MICHIGAN COMPILED LAWS.

23 (B) ACT NO. 164 OF THE PUBLIC ACTS OF 1871, BEING SECTIONS
24 128.41 TO 128.45 OF THE MICHIGAN COMPILED LAWS.

25 (C) ACT NO. 297 OF THE PUBLIC ACTS OF 1929, BEING SECTIONS
26 128.51 TO 128.56 OF THE MICHIGAN COMPILED LAWS.