

DRAFT

1 AN ACT Relating to disposition of remains of persons who died
2 while serving on active duty in any branch of the United States Armed
3 Forces, United States Reserve Forces, or National Guard; and amending
4 RCW 68.50.160.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
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7 **Sec. 1.** RCW 68.50.160 and 2007 c 156 s 24 are each amended to
8 read as follows:

9 (1) A person has the right to control the disposition of his or
10 her own remains without the predeath or postdeath consent of another
11 person. A valid written document expressing the decedent's wishes
12 regarding the place or method of disposition of his or her remains,
13 signed by the decedent in the presence of a witness, is sufficient
14 legal authorization for the procedures to be accomplished.

15 (2) Prearrangements that are prepaid, or filed with a licensed
16 funeral establishment or cemetery authority, under RCW 18.39.280
17 through 18.39.345 and chapter 68.46 RCW are not subject to
18 cancellation or substantial revision by survivors. Absent actual
19 knowledge of contrary legal authorization under this section, a

1 licensed funeral establishment or cemetery authority shall not be held
2 criminally nor civilly liable for acting upon such prearrangements.

3 (3) If the decedent has not made a prearrangement as set forth in
4 subsection (2) of this section or the costs of executing the
5 decedent's wishes regarding the disposition of the decedent's remains
6 exceeds a reasonable amount or directions have not been given by the
7 decedent, the right to control the disposition of the remains of a
8 deceased person vests in, and the duty of disposition and the
9 liability for the reasonable cost of preparation, care, and
10 disposition of such remains devolves upon the following in the order
11 named:

12 (a) The person designated by the decedent as authorized to direct
13 disposition as listed on the decedent's United States Department of
14 Defense Record of Emergency Data, DD Form 93, or its successor form,
15 if the decedent died while serving on active duty in any branch of the
16 United States Armed Forces, United States Reserve Forces, or National
17 Guard.

18 (b) The surviving spouse or state registered domestic partner.

19 ~~((b))~~ (c) The surviving adult children of the decedent.

20 ~~((c))~~ (d) The surviving parents of the decedent.

21 ~~((d))~~ (e) The surviving siblings of the decedent.

22 ~~((e))~~ (f) A person acting as a representative of the decedent
23 under the signed authorization of the decedent.

24 (4) If a cemetery authority as defined in RCW 68.04.190 or a
25 funeral establishment licensed under chapter 18.39 RCW has made a good
26 faith effort to locate the person cited in subsection (3)(a) through
27 (e) of this section or the legal representative of the decedent's
28 estate, the cemetery authority or funeral establishment shall have the
29 right to rely on an authority to bury or cremate the human remains,
30 executed by the most responsible party available, and the cemetery
31 authority or funeral establishment may not be held criminally or
32 civilly liable for burying or cremating the human remains. In the
33 event any government agency provides the funds for the disposition of
34 any human remains and the government agency elects to provide funds

1 for cremation only, the cemetery authority or funeral establishment
2 may not be held criminally or civilly liable for cremating the human
3 remains.

4 (5) The liability for the reasonable cost of preparation, care,
5 and disposition devolves jointly and severally upon all kin of the
6 decedent in the same degree of kindred, in the order listed in
7 subsection (3) of this section, and upon the estate of the decedent.

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