

## CHAPTER 53

[Substitute Senate Bill No. 4110]

## CEMETERIES

AN ACT Relating to cemeteries; amending section 118, chapter 247, Laws of 1943 as last amended by section 2, chapter 133, Laws of 1961 and RCW 68.40.010; amending section 133, chapter 247, Laws of 1943 and RCW 68.44.060; amending section 3, chapter 68, Laws of 1973 1st ex. sess. as amended by section 24, chapter 21, Laws of 1979 and RCW 68.46.030; amending section 6, chapter 68, Laws of 1973 1st ex. sess. as amended by section 25, chapter 21, Laws of 1979 and RCW 68.46.060; amending section 10, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.100; amending section 39, chapter 21, Laws of 1979 and RCW 68.46-.210; adding a new section to chapter 68.08 RCW; adding a new section to chapter 68.46 RCW; declaring an emergency; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 118, chapter 247, Laws of 1943 as last amended by section 2, chapter 133, Laws of 1961 and RCW 68.40.010 are each amended to read as follows:

An endowment care cemetery is one which deposits in its endowment care fund not less than the following amounts for plots sold: Ten percent of the gross sales price, with a minimum of ten dollars for each adult grave; five dollars for each niche; and thirty dollars for each crypt.

The deposits shall be made not later than the twentieth day of the month following the final payment on the sale price. If a contract for crypts, niches, or graves is sold, pledged, or otherwise encumbered as security for a loan by the cemetery authority, the cemetery authority shall pay into the endowment care fund ten percent of the gross sales price with a minimum of ten dollars for each adult grave, five dollars for each niche, and thirty dollars for each crypt within twenty days of receipt of payment of the proceeds from such sale or loan.

Any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars before disposing of any plot or making any sale thereof: PROVIDED, That the requirement of an additional deposit of twenty-five thousand dollars shall not apply to any cemetery in existence on January 1, 1961, having an area not exceeding ten acres.

Sec. 2. Section 133, chapter 247, Laws of 1943 and RCW 68.44.060 are each amended to read as follows:

Every director or officer authorizing or consenting to a loan, and the person who receives a loan, in violation of ~~((this article))~~ RCW 68.44.030 are severally guilty of a ~~((misdemeanor))~~ class C felony punishable under chapter 9A.20 RCW.

Sec. 3. Section 3, chapter 68, Laws of 1973 1st ex. sess. as amended by section 24, chapter 21, Laws of 1979 and RCW 68.46.030 are each amended to read as follows:

(1) A cemetery authority shall deposit in its prearrangement trust account a percentage of all funds collected in payment of each prearrangement contract equal to the greater of:

(a) Fifty percent of the contract price; or

(b) The percentage which the total of the wholesale cost of merchandise and the direct cost of services to be provided pursuant to the contract is of the total contract price.

(2) Any cemetery authority which does not file and maintain with the board a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund fifty percent, or greater percentage as determined under subsection (1) of this section, of all moneys received in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made.

(3) Any cemetery authority which files and maintains with the board a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund each payment as made on the last fifty percent, or greater percentage as determined under subsection (1) of this section, of each prearrangement contract, excluding sales tax and endowment care, if such charge is made.

(4) Each cemetery authority electing to make payments to its prearrangement trust fund pursuant to subsection (3) of this section shall file and maintain with the board a bond, issued by a surety company authorized to do business in the state, in the amount by which the cemetery authority's contingent liability for refunds pursuant to RCW 68.46.060 exceeds the amount deposited in its prearrangement trust fund. The bond shall run to the state and shall be conditioned that it is for the use and benefit of any person requesting a refund pursuant to RCW 68.46.060 if the cemetery authority does not promptly pay to said person the refund due pursuant to RCW 68.46.060. In addition to any other remedy, every person not promptly receiving the refund due pursuant to RCW 68.46.060 may sue the surety for the refund. The liability of the surety shall not exceed the amount of the bond. Termination or cancellation shall not be effective unless notice is delivered by the surety to the board at least thirty days prior to the date of termination or cancellation. The board shall immediately notify the cemetery authority affected by the termination or cancellation by certified mail, return receipt requested. The cemetery authority shall thereupon obtain another bond or make such other arrangement as may be satisfactory to the board to assure its ability to make refunds pursuant to RCW 68.46.060.

(5) Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment required to be deposited. If a prearrangement contract is sold, pledged, or otherwise encumbered as security for a loan by the cemetery authority, the

cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from the sale or loan.

(6) Any failure to fund a prearrangement contract as required by this section shall be grounds for revocation of the cemetery (~~((authorities' [authority's]))~~) authority's prearrangement sales license.

Sec. 4. Section 6, chapter 68, Laws of 1973 1st ex. sess. as amended by section 25, chapter 21, Laws of 1979 and RCW 68.46.060 are each amended to read as follows:

Any purchaser or beneficiary or beneficiaries may, upon written demand of any cemetery authority, demand that any prearrangement contract with such cemetery authority be terminated. In such event, the cemetery authority shall within thirty days refund to such purchaser or beneficiary or beneficiaries fifty percent of the moneys received less the cost of any merchandise delivered or services performed before the termination. In any case, where, under a prearrangement contract there is more than one beneficiary, no written demand as provided in this section shall be honored by any cemetery authority unless the written demand provided for (~~((herein))~~) in this section shall bear the signatures of all of such beneficiaries.

Sec. 5. Section 10, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.100 are each amended to read as follows:

Every prearrangement contract shall contain language which informs the purchaser of the prearrangement trust fund and the amount to be deposited in the prearrangement trust fund, which shall not be less than fifty percent of the cash purchase price of the merchandise and services in the contract and shall not include charges for endowment care when included in the purchase price.

Every prearrangement contract for the sale of unconstructed crypts or niches or undeveloped graves and every conveyance instrument shall contain language which informs the purchaser that if the purchaser dies before the unconstructed crypt or niche or undeveloped grave is constructed or developed the cemetery authority must provide, without additional cost or charge, a constructed crypt or niche or developed grave of equal or better quality than the unconstructed crypt or niche or undeveloped grave would have been if it were constructed or developed.

Sec. 6. Section 39, chapter 21, Laws of 1979 and RCW 68.46.210 are each amended to read as follows:

Any person who violates or aids or abets any person in the violation of any of the provisions of this chapter shall be guilty of a (~~((gross misdemeanor))~~) class C felony punishable under chapter 9A.20 RCW. A violation shall constitute an unfair practice under chapter 19.86 RCW and shall be grounds for revocation of the certificate of authority under chapter 68.05 RCW or revocation of the prearrangement sales license under this chapter.

Retail installment transactions under this chapter shall be governed by chapter 63.14 RCW. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 7. There is added to chapter 68.08 RCW a new section to read as follows:

The human remains of an individual may be buried on the property of the individual or the individual's immediate family or estate if such property is an island in the sole ownership of the individual, or the individual's immediate family or estate, without obtaining a permit or a variance from any zoning ordinance if in compliance with other applicable state laws.

NEW SECTION. Sec. 8. There is added to chapter 68.46 RCW a new section to read as follows:

(1) No cemetery authority may enter into a retail contract for the purchase of debentures, shares, scrip, bonds, notes, or any instrument or evidence of indebtedness, excluding retail installment sales transactions governed by chapter 63.14 RCW, which directly or indirectly requires or permits the cemetery authority to furnish to the holder at a future date cemetery merchandise or services, or crypts, niches, or graves.

(2) A cemetery authority which enters into prearrangement contracts for the sale of unconstructed crypts or niches or undeveloped graves or which conveys undeveloped graves by gift shall maintain an adequate inventory of constructed crypts or niches and developed graves which in quality are equal to or better than the unconstructed crypts or niches, or undeveloped graves if they were constructed or developed. In the event of the death of a purchaser or owner of an unconstructed crypt or niche or undeveloped grave before the unconstructed crypt or niche or undeveloped grave is constructed or developed the cemetery authority shall provide a constructed crypt or niche or developed grave of equal or better quality without additional cost or charge. If two or more unconstructed crypts or niches or undeveloped graves are conveyed with the intention that the crypts or niches or graves shall be contiguous to each other or maintained together as a group and the death of any one purchaser or owner in such group occurs before the unconstructed crypts or niches or undeveloped graves are developed, the cemetery authority shall provide additional constructed crypts or niches or developed graves of equal or better quality contiguous to each other or together as a group as originally intended to other purchasers or owners in the group without additional cost or charge.

NEW SECTION. Sec. 9. Section 7 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of

the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 26, 1984.

Passed the House February 25, 1984.

Approved by the Governor February 29, 1984.

Filed in Office of Secretary of State February 29, 1984.

## CHAPTER 54

[Substitute House Bill No. 699]

### VOTERS' PAMPHLET AND CANDIDATES PAMPHLET MAY CONTAIN CAMPAIGN MAILING ADDRESS AND TELEPHONE NUMBER

AN ACT Relating to elections; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; amending section 29.80.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 145, Laws of 1971 ex. sess. and RCW 29.80.020; amending section 29.80.040, chapter 9, Laws of 1965 as amended by section 2, chapter 145, Laws of 1971 ex. sess. and RCW 29.80.040; amending section 29.81.010, chapter 9, Laws of 1965 as amended by section 1, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.010; amending section 1, chapter 72, Laws of 1969 ex. sess. and RCW 29.81.012; adding a new section to chapter 29.81 RCW; and adding a new section to chapter 29.80 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010 are each amended to read as follows:

As soon as possible (~~(prior to)~~) before each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein, together with a campaign mailing address and telephone number submitted by the nominee at the nominee's option, and in even-numbered years containing a description of the office of precinct committeeman and its duties, in order that voters will understand that (~~(such)~~) the office is a state office and will be found on the ballot of the forthcoming general election (~~(- PROVIDED, That)~~). In odd-numbered years no candidates' pamphlet (~~(shall)~~) may be published (~~(;)~~) unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, (~~(and)~~) or justice of the supreme court.

Sec. 2. Section 29.80.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 145, Laws of 1971 ex. sess. and RCW 29.80.020 are each amended to read as follows: