

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 732  
HOUSE BILL 601

AN ACT TO AMEND THE LAWS GOVERNING PERPETUAL CARE CEMETERIES TO REQUIRE THAT INCOME FROM PERPETUAL CARE FUNDS BE USED FOR UPKEEP AND MAINTENANCE AND TO PROVIDE FOR ENFORCEMENT BY THE BURIAL COMMISSIONER.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 65-24 is rewritten as follows: "Such cemetery shall set aside in its perpetual care fund not less than fifteen dollars (\$15.00) per grave space and niche and forty dollars (\$40.00) per above ground mausoleum hereafter sold. The income derived from the investment of such fund shall be used to defray the expense of upkeep and maintenance of such cemetery; provided that income derived from such fund may be allowed to accumulate in trust if the Burial Commissioner specifically finds the expenditure of such income is not required for the proper upkeep and maintenance of such cemetery.

For the purpose of this section, a grave space or niche or mausoleum shall be considered to be sold at such time as the purchaser thereof has acquired unconditional right of interment therein."

**Sec. 2.** G.S. 65-34 is hereby rewritten to read as follows:

**"§ 65-34. Suspension or revocation of license.** — In addition to the penalties provided in G.S. 65-31, the Burial Commissioner may suspend or revoke the license of any cemetery or person required to be licensed under this Article if, after notice and hearing, the Commissioner finds that such cemetery or person has violated any provision of this Article or has been convicted pursuant to G.S. 65-31 of any violation of this Article. The Commissioner may, in his discretion, upon application by such cemetery, thereafter restore to it its license if such cemetery corrects the violation of this Article, on account of which its owner or manager was convicted, as well as any other violations thereof known to the Commissioner. This Article shall be written into and become a part, where applicable, of all contracts and certificates issued hereunder."

**Sec. 3.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.