

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 369

BY BUSINESS COMMITTEE

AN ACT

1  
2 RELATING TO FUNERAL AND CEMETERY MERCHANDISE AND SERVICES; AMENDING SECTION  
3 54-1132, IDAHO CODE, TO PROVIDE THAT LICENSED MORTICIANS AND FUNERAL  
4 DIRECTORS SHALL DESIGNATE THE LICENSED FUNERAL ESTABLISHMENT RESPONSIB-  
5 BLE TO PROVIDE MERCHANDISE OR SERVICES UNDER PREARRANGEMENT SALES AND  
6 TO PROVIDE THAT THE LICENSED FUNERAL ESTABLISHMENT SHALL MAINTAIN ALL  
7 CONTRACTS AND DOCUMENTS ASSOCIATED WITH PREARRANGEMENT SALES.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 54-1132, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 54-1132. CERTIFICATE OF AUTHORITY -- REQUIREMENTS -- DISPLAY OF CER-  
12 TIFICATE. (1) No individual may sell a prepaid contract or provide funeral or  
13 cemetery merchandise or funeral or cemetery services pursuant to a prepaid  
14 contract without first obtaining a valid certificate of authority.

15 A certificate of authority for public cemeteries shall be issued by the  
16 governing board, city council or board of county commissioners having over-  
17 all supervision and control of the cemetery. A certificate of authority for  
18 privately owned cemeteries shall be issued by the Idaho board of cemeteri-  
19 ans. A certificate of authority for persons licensed under chapter 11, title  
20 54, Idaho Code, shall be issued by the state board of morticians.

21 (2) Any individual seeking to obtain a certificate of authority must  
22 submit a statement that includes the following:

23 (a) The types of prepaid contracts to be written;

24 (b) The name and address of the place of business of the individual; and

25 (c) Any information deemed necessary by the certificating authority to  
26 show evidence of good moral character, a reputation for fair dealing in  
27 business matters, and the absence of a criminal record.

28 (3) Upon issuance, the certificate of authority shall be posted con-  
29 spicuously in the holder's place of business.

30 (4) Any individual holding a certificate shall present a copy of the  
31 certificate to the purchaser before engaging in the activity of selling a  
32 prearrangement sales contract.

33 (5) A licensed mortician or licensed funeral director shall designate  
34 the licensed funeral establishment that shall be responsible to provide any  
35 funeral or cemetery merchandise or funeral or cemetery services under prear-  
36 rangement sales.

37 (6) The licensed funeral establishment designated as responsible to  
38 provide the merchandise and services under a prearrangement sales contract  
39 shall maintain all contracts and documents associated with any prearrange-  
40 ment sales.