TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 38
BOARD OF CEMETERIANS

54-3801. BOARD OF CEMETERIANS. There is hereby established in the department of self-governing agencies a state board of cemeterians to be composed of three (3) members appointed by the governor in the manner hereinafter set forth. Each member of the board shall be a cemeterian and resident of the state of Idaho for a period of at least five (5) years next preceding his appointment, during which time he shall have been continuously engaged in the cemetery business. No person shall be eligible for appointment to the board of cemeterians who is financially interested, directly, or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.

The governor shall appoint the members of the board from a list of qualified cemeterians of triple the number of persons to be appointed, who shall be proposed and submitted to him by the Idaho cemetery association, inc., or other statewide organization or association of cemeterians whose membership is composed of a majority of all cemeterians of the state.

All members of the board of cemeterians shall be appointed to serve for a term of three (3) years, to expire on May 1 of the year of termination of their term, and until their successors have been appointed and qualified; provided, however, the governor is hereby granted the power to alter the term of office of the members of the board first appointed hereunder so that the term of office of not more than one (1) member of the board shall terminate in any one (1) year. In case of a vacancy occurring on said board of cemeterians by reason of the death of any member, or his resignation, incapacity, neglect or refusal to act, or in any other way, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office from a list of duly qualified cemeterians prepared and submitted in the manner prescribed herein for the initial appointment of members to the board. Any member of the board of cemeterians who willfully fails to properly discharge his duties may be removed by the governor.

The board shall meet, not less than annually, to elect a chairman, vice chairman, and secretary and take official board action on pending matters by majority vote of all the members of the board of cemeterians, and in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

Each member of the board of cemeterians shall be compensated as provided by section 59-509(g), Idaho Code.


54-3802. POWERS AND DUTIES OF BOARD. The state board of cemeterians shall have the following powers and duties:

(1) To prepare, conduct, and grade examinations of applicants for cemetery licenses.

(2) To certify the results of examinations of applicants and certify the applicant as having "passed" or "failed."
(3) To conduct hearings and proceedings in connection with the suspension or revocation of licenses.
(4) To make findings and recommendations to the governor on any and all matters relating to the enforcement of the provisions of this act.
(5) To perform all duties and exercise all other powers granted under this act, or the laws of the state of Idaho.
(6) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.


54-3803. LICENSE FEES. There shall be paid with the filing of any application for an original license, or the application for any renewal of a license, the following license fees:
(1) Twenty-five dollars ($25.00) for a cemeterian license.
(2) Thirty-five dollars ($35.00) for a cemetery establishment license.
(3) Fifteen dollars ($15.00) for a resident trainee license. All licenses shall be issued on a calendar or fiscal year basis, as determined by the board, and there shall be no proration of fees for a part year license. All fees shall be paid to the bureau of occupational licenses.

[(54-3803) 54-3903, added 1989, ch. 138, sec. 3, p. 318; am. and redesig. 2005, ch. 25, sec. 102, p. 125.]

54-3804. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS -- PROBATION. The board may refuse to issue or may refuse to renew or may suspend or may revoke any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding that the holder of such license committed any of the following acts or omissions:
(1) Conviction of, being found guilty of, pleading guilty to or receiving withheld judgment for a crime involving moral turpitude.
(2) Conviction of, being found guilty of, pleading guilty to or receiving withheld judgment for a felony.
(3) Unprofessional conduct, which is hereby defined to include:
   (a) Misrepresentation or fraud in the conduct of cemetery services;
   (b) False or misleading advertising as a holder of a license for the advertising or using the name of an unlicensed person in connection with that of any cemetery establishment;
   (c) Employment directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular cemetery establishment;
   (d) Gross immorality;
   (e) Aiding or abetting an unlicensed person to engage in practice as a cemeterian;
   (f) Violation of any of the provisions of section 54-1116, Idaho Code.
   (g) Violation of any state law, or municipal or county ordinance, or regulation authorized under this act affecting the handling, custody, care, processing or transportation of dead human bodies;
   (h) Fraud or misrepresentation in obtaining or renewing a license;
   (i) Violation of statutes of any state having to do with prearrangement or prefinancing of cemetery supplies or services.
54-3805. WRITTEN COMPLAINT -- PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSE. Upon a written complaint filed with the board of cemeterians the board shall cause to be held a hearing to determine whether a license of any person issued under this act should be suspended or revoked, or the issuance or renewal thereof refused, because of a violation of any of the causes set forth in section 54-3804, Idaho Code. At least fifteen (15) days prior to the date set for such hearing, the board shall cause written notice to be sent by certified mail to the licensee or applicant at his last known address, which notice shall contain a statement of the charges made, and the date, time and place set for hearing. The proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code. Any party aggrieved by the action of the board shall be entitled to judicial review thereof in accordance with the provisions of chapter 52, title 67, Idaho Code.