

SENATE BILL NO. 2443

Introduced by

Senators O'Connell, Kroeplin, Schobinger

Representatives Hunskor, S. Kelsh, Kerzman

1 A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota
2 Century Code, relating to pre-need funeral service contracts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-06-03 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **23-06-03. Duty of burial.**

7 1. The duty of burying the body of a deceased person devolves upon ~~the following~~
8 ~~persons:~~

9 ~~1. If the deceased was married, upon the surviving husband or wife:~~

10 ~~2. If if the deceased was married or, if the deceased was not married but left kindred,~~
11 ~~upon the person or persons in the same degree, of adult age, nearest of kin to the~~
12 ~~deceased and possessed of sufficient means to defray the necessary expenses.~~

13 ~~3. 2. If the person who has the duty of burial does not bury the body within the time~~
14 ~~required by this chapter, the person next specified shall bury the body.~~

15 ~~4. 3. If the deceased is not survived by a person described by subsection 1 ~~or 2~~ and did~~
16 ~~not leave sufficient means to defray funeral expenses, including the cost of a~~
17 ~~casket, the county social service board of the county in which the deceased had~~
18 ~~residence for county general assistance purposes or, if residence cannot be~~
19 ~~established, ~~then~~ the county social service board of the county in which the death~~
20 ~~occurs, shall employ some person to arrange for and supervise the burial or~~
21 ~~cremation. If the deceased was a resident or inmate of a public institution, the~~
22 ~~county in which the deceased was a resident for county general assistance~~
23 ~~purposes immediately before entering the institution shall employ a person to~~
24 ~~arrange for and supervise the burial or cremation. Each board of county~~

1 commissioners may negotiate with the interested funeral directors or funeral
2 homes regarding cremation expenses and burial expenses; but the total charges
3 for burial services, including transportation of the deceased to the place of burial,
4 the grave box or vault, grave space, and grave opening and closing expenses, may
5 not be less than one thousand five hundred dollars. The county social service
6 board shall pay the charge for funeral expenses as negotiated by the board of
7 county commissioners, less any amount left by the deceased to defray the
8 expenses.

9 4. A person with the duty of burial under this section shall honor, to the extent
10 reasonable and possible, any pre-need funeral arrangements a deceased
11 articulated and funded in a pre-need funeral service contract.

12 **SECTION 2. AMENDMENT.** Section 43-10.1-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **43-10.1-02. Pre-need funeral service contracts.** ~~No~~ A person may not engage in the
15 sale or execution of a pre-need funeral service contract unless ~~such~~ that person is the operator,
16 agent, employee, or manager of a licensed funeral establishment, a or cemetery association, or
17 an agent or employee of such operator, manager, establishment, or association. As part of the
18 sale of a pre-need funeral service contract, the seller shall inform the purchaser of the extent to
19 which the person with the duty of burial under section 23-06-03 might be bound by any
20 pre-need funeral arrangements.