

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1687

By: Newton and **Boles** of the
House

5 and

6 **Pederson** of the Senate
7

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10 AS INTRODUCED

11 An Act relating to cemeteries; providing for method
12 of burial space reversion; providing exception;
13 providing certain guidelines for notification
14 process; providing certain remedy for certain claims;
15 providing for codification; and providing an
16 effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 188 of Title 8, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Except as otherwise provided in this subsection, after a
22 period of eighty-five (85) years since the last recorded activity on
23 a burial space, as defined by Section 7102 of Title 36 of the
24 Oklahoma Statutes, and after a reasonable search for heirs and

1 beneficiaries, an unused burial site shall be deemed abandoned and
2 the right of ownership in the burial site shall revert to the
3 private or public cemetery after the cemetery has met the
4 requirements of this section. This subsection shall not apply to a
5 burial site where the owner has provided notice to the private or
6 public cemetery of his or her intent to be exempt from the burial
7 space reversion requirement provided in this subsection.

8 B. 1. A reasonable search for heirs and beneficiaries pursuant
9 to this section shall include:

- 10 a. sending a certified letter of notice by the entity
11 responsible for the cemetery to the last-known address
12 of the record property owner; however, if no address
13 is available, then no letter shall be required, and
14 b. publishing a copy of the description of the burial
15 space in a newspaper qualified to publish public
16 notices pursuant to Section 106 of Title 25 of the
17 Oklahoma Statutes in the county of the last-known
18 address of the record owner for three (3) weeks;
19 however, if no address is available, then publication
20 shall take place in the county where the burial space
21 is located.

22 2. If no person proves ownership of the burial space within one
23 (1) year after the publication, the burial space shall be deemed
24 abandoned for purposes of this section.

1 C. Any person with a legitimate claim to a burial space that
2 has been deemed abandoned pursuant to this section and has been used
3 or sold by the private or public cemetery shall have the claim
4 settled by receiving an equal burial space in an equivalent location
5 as the burial space that reverted to the private or public cemetery.

6 SECTION 2. This act shall become effective November 1, 2021.

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8 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
9 dated 02/10/2021 - DO PASS, As Coauthored.

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