

By: Guerra

H.B. No. 4108

A BILL TO BE ENTITLED

AN ACT

relating to a transfer of ownership for a perpetual care cemetery.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 712, Health and Safety Code, is amended by adding Section 712.00391 to read as follows:

Sec. 712.00391. TRANSFER OF BUSINESS OWNERSHIP; DUTIES OF NEW CERTIFICATE HOLDER. (a) In this section, "transferor" means a certificate holder who transfers the holder's ownership of a perpetual care cemetery to another person.

(b) On the transfer of the business ownership of a perpetual care cemetery, the new certificate holder may not modify the terms, including the amount of any fees for maintenance or upkeep of the cemetery, of a prepaid funeral contract entered into by the plot owner and the transferor without the plot owner's agreement.

(c) Not later than 60 days after the date a transfer of ownership of a perpetual care cemetery described by Section 712.0039(b) is executed, the new certificate holder shall:

(1) notify each plot owner:

(A) of the transfer of ownership and the identity of the new certificate holder; and

(B) that the new certificate holder may not modify the terms of a prepaid funeral contract entered into by the plot owner and the transferor; and

(2) provide the costs outlined in the prepaid funeral

1 contract entered into by the plot owner and the transferor.

2 (d) During a transfer of ownership and for at least 120 days
3 following the transfer, a perpetual care cemetery must have a
4 representative available to provide assistance to a plot owner or
5 the owner's immediate family members or authorized representative.
6 The assistance must be provided in English and Spanish or, if
7 applicable, English and any other language spoken by a substantial
8 portion of the individuals residing in the area in which the
9 perpetual care cemetery is located.

10 SECTION 2. Section 712.00391, Health and Safety Code, as
11 added by this Act, applies to a transfer in business ownership of a
12 perpetual care cemetery that occurs on or after the effective date
13 of this Act. A transfer in business ownership that occurs before
14 that date is governed by the law in effect on the date the transfer
15 occurred, and that law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2021.