

# An Act

ENROLLED SENATE  
BILL NO. 335

By: Pederson of the Senate

and

Newton of the House

An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims; providing for codification; and providing an effective date.

SUBJECT: Cemeteries

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

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

A. After a period of seventy-five (75) years since the last recorded activity on a burial space, as defined by the Perpetual Care Fund Act, and after a reasonable search for heirs and beneficiaries, an unused burial site shall be abandoned and the right of ownership in the burial site shall revert to the private or public cemetery, after the cemetery has met the requirements of this section.

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

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

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

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

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

Passed the Senate the 3rd day of March, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_