

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 857

By: Dugger

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5  
6 AS INTRODUCED

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

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

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

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2021.  
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23 58-1-835

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