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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1239 Session of  
2015

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INTRODUCED BY BARRAR, BAKER, BENNINGHOFF, V. BROWN, COHEN,  
D. COSTA, COX, DONATUCCI, DRISCOLL, GIBBONS, GOODMAN,  
A. HARRIS, MARSHALL, McNEILL, MILLARD, MOUL, MURT, O'NEILL,  
QUIGLEY, RAPP, READSHAW, SACCONI, SAYLOR, SCHWEYER, TALLMAN,  
VEREB, WARD AND WATSON, MAY 28, 2015

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MAY 28, 2015

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AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, providing for the installation of  
3 United States Veterans Affairs grave markers and medallions  
4 in cemeteries; imposing powers and duties upon the Department  
5 of Military and Veterans Affairs and the State Real Estate  
6 Commission; and imposing sanctions.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 51 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 98

12 UNITED STATES VETERANS AFFAIRS GRAVE MARKERS

13 Sec.

14 9801. Definitions.

15 9802. Federal veterans markers and cemeteries.

16 9803. Fee restrictions for VA grave marker installation.

17 9804. Complaints.

18 9805. Sanctions.

1 § 9801. Definitions.

2 The following words and phrases when used in this chapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Cemetery." A place for the disposal or burial of deceased  
6 human beings, by cremation or in a grave, mausoleum, vault,  
7 columbarium or other receptacle. The term does not include a  
8 private family cemetery.

9 "Commission." The State Real Estate Commission.

10 "VA marker." A grave marker offered by the United States  
11 Department of Veterans Affairs free of charge for placement on  
12 the graves of eligible deceased veterans to signify the  
13 decedent's status as a veteran. The term includes the VA upright  
14 headstone in marble or granite, the VA flat marker in bronze,  
15 marble or granite and the VA medallion.

16 § 9802. Federal veterans markers and cemeteries.

17 (a) General authorization.--The installment of a VA marker  
18 on the grave of a deceased veteran may not be prohibited by any  
19 cemetery.

20 (b) Specific requirements.--

21 (1) In cemeteries where the grave of a deceased veteran  
22 is marked by a headstone, whether upright or flat, a  
23 secondary VA flat marker may not be prohibited.

24 (2) In cemeteries where an upright headstone is allowed  
25 to mark a grave, the VA upright headstone may not be  
26 prohibited.

27 (3) In cemeteries where the grave of a deceased veteran  
28 is marked with a headstone, whether upright or flat, the next  
29 of kin of the deceased veteran shall be permitted to replace  
30 the existing headstone with a VA marker.

1       (4) In cemeteries where the grave of a deceased veteran  
2 is marked with a headstone, whether upright or flat, the  
3 installment of a VA medallion onto the headstone may not be  
4 prohibited.

5       (c) Construction of chapter.--This chapter shall not be  
6 construed to require a cemetery to change its existing rules  
7 requiring uniform upright headstones and markers or uniform flat  
8 headstones and markers.

9       (d) Application.--This chapter is only applicable to bona  
10 fide requests by an eligible applicant for a VA marker.

11 § 9803. Fee restrictions for VA grave marker installation.

12       (a) Fees.--The following fee restrictions shall apply to the  
13 installation and care of any VA grave marker:

14           (1) If concrete is used as a base for a VA marker, the  
15 installation fee shall not exceed \$250.

16           (2) If granite is used as a base for a VA marker, the  
17 installation fee shall not exceed \$400.

18           (3) If a VA upright headstone is installed, the  
19 installation fee shall not exceed \$300.

20           (4) If a VA medallion is installed on a headstone, the  
21 installation fee shall not exceed \$75.

22       (b) Scope.--All fees in this section shall be inclusive of  
23 material, installation and perpetual care costs related to the  
24 VA marker.

25       (c) Expiration.--This section shall expire June 30, 2019.

26 § 9804. Complaints.

27       A family or custodian of a deceased veteran with a valid and  
28 reasonable grievance regarding the burial arrangements or  
29 placement of a VA marker that cannot resolve the grievance with  
30 the cemetery may contact the Adjutant General. The Adjutant

1 General shall notify the commission for the purpose of  
2 investigating the grievance under section 9805 (relating to  
3 sanctions).

4 § 9805. Sanctions.

5 The commission may investigate a cemetery engaged in a  
6 business relating to cemetery lots, plots or mausoleum spaces,  
7 openings or foundations. If the commission determines that the  
8 cemetery has violated this chapter, the commission may impose a  
9 sanction on the cemetery under section 604 of the act of  
10 February 19, 1980 (P.L.15, No.9), known as the Real Estate  
11 Licensing and Registration Act.

12 Section 2. This act shall take effect in 60 days.