

SENATE BILL 1909

By Rose

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 26; Title 35; Title 46 and Title 62, Chapter 5,
relative to grave spaces.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 46, is amended by adding the following
as a new chapter:

46-3-101.

As used in this chapter:

- (1) "Cemetery" has the same meaning as defined in § 46-1-102;
- (2) "Cemetery company" has the same meaning as defined in § 46-1-102;
- (3) "Grave space" has the same meaning as defined in § 46-1-102;
- (4) "Interment" has the same meaning as defined in § 46-1-102; and
- (5) "Newspaper":

(A) Means a publication that is distributed daily, weekly, or biweekly and contains news, articles of opinion, features, and advertising; and

(B) Includes a publication that is physically printed or posted online.

46-3-102.

(a) A grave space is considered abandoned, and ownership of the grave space reverts to the cemetery company that owns or controls the cemetery in which the grave space is located, if the following occurs:

(1) Seventy-five (75) years passes without:

(A) Use of the space for interment; or

(B) Contact from the recorded owner of the grave space, or an heir or beneficiary of the recorded owner of the grave space if the holder is deceased;

(2) The cemetery company conducts a reasonable search for the recorded owner of the grave space, or, if the recorded owner of the grave space is deceased, an heir or beneficiary; the reasonable search must include:

(A) Sending a certified letter of notice to the last known address of the recorded owner of the grave space; provided, that if no address is available, this subdivision (a)(2)(A) does not apply; and

(B) Publishing a copy of the description of the grave space in a newspaper that publishes in the county of the last known address of the recorded owner of the grave space for three (3) consecutive weeks; provided, that if no address is available, publication must occur in the county where the grave space is located; and

(3) An individual does not provide proof of ownership of the grave space within one (1) year from the first date of the publication required by subdivision (a)(2)(B).

(b) An individual who provides proof of ownership of a grave space that is deemed abandoned pursuant to this section and has been used or sold by the cemetery company is entitled to receive a grave space of equivalent value as the grave space that reverted to the cemetery company.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.