

OKLAHOMA STATUTES  
TITLE 8. CEMETERIES

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§8-1. Laws governing - Powers and duties.

Every cemetery corporation formed under the laws of the Territory or State of Oklahoma, shall be governed under the laws of the State of Oklahoma, and have such power conferred upon it and be subject to such duties as may be provided by the laws of the state.  
R.L.1910, § 380.

§8-1a. Burial charges - Failure to pay.

Every cemetery in this state shall have the power to establish and impose reasonable charges for the burial of persons in the cemetery, unless prohibited by law. Failure to pay such charges shall be a misdemeanor and upon conviction be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00). The provisions of this section shall not authorize a cemetery other than those cemeteries owned, maintained or operated by municipalities in this state to impose additional charges not specifically authorized by written contract upon any person for burial if said cemetery has already sold the cemetery lot where such burial is to occur.  
Added by Laws 1983, c. 299, § 1, emerg. eff. June 24, 1983.

§8-2. Fraternal and church cemeteries.

Any cemetery organized or controlled by any fraternal organization or church society or congregation shall be managed and controlled as provided by its rules and bylaws.  
R.L.1910, § 381.

§8-3. Real estate-Limitation on amount-Sale of lots-Other property-Application of income.

May hold real estate. Every cemetery corporation has power to purchase or take by gift, grant or devise and to hold real property not exceeding eighty (80) acres for the sole use and purpose of a burial ground and to lay out the same into blocks and lots with convenient avenues and walks and to sell the lots for the sole use and purpose of burying the dead; and it may own and hold such other real and personal property as the legitimate, necessary or proper purposes of the corporation may require and all income therefrom shall be applied as hereinafter provided for the payment of the debts of the corporation and the improvement and ornamentation of its burial ground and for investment.

R.L.1910, § 382; Laws 1915, c. 261, § 1.

§8-3.1. Definitions.

As used in Sections 1 through 37 of Title 8 of the Oklahoma Statutes:

1. "Lot" means a tract of land or space used to inter one deceased individual; and
2. "Plot" means a tract of land made up of more than one burial lot.

Added by Laws 2008, c. 47, § 1, eff. Nov. 1, 2008.

§8-4. Surveys - Plat - Acknowledgment - Recording - Fee.

Surveys and Plat. Such corporation shall cause its land, or such portion thereof as may from time to time become necessary for that purpose, to be surveyed into lots, plots, avenues and walks and platted, upon which plat every lot shall be regularly numbered and said plat shall be acknowledged and shall be recorded in the office of the county clerk, but the fee for said recording shall not exceed the actual cost of the work of recording plus Two Dollars (\$2.00).

R.L. 1910, § 383. Amended by Laws 1915, c. 261, § 2; Laws 2008, c. 47, § 2, eff. Nov. 1, 2008.

§8-5. Powers.

Such corporation has power to inclose, improve and embellish its grounds, avenues and walks, and to erect buildings or vaults for its use, and to prescribe in its bylaws, rules for the sale, inclosure and ornamentation of lots and for erecting monuments or gravestones thereon; and to prohibit any use, division, improvement or ornamentation of any lot which the corporation may deem improper; and

to make other bylaws and acts to the end that all the appliances and conveniences and benefits of a public and private cemetery may be obtained and secured.

R.L.1910, § 384.

§8-6. Lots - Inalienability - Descent - Release of interests.

Whenever an interment is made in any lot as defined in Section 1 of this act, while any person is buried on that lot, that individual lot becomes forever inalienable, and descends in regular line of succession to the heirs at law of the owner, but any one or more of such heirs may release to any other of said heirs his or her interests in the same, and any other joint owners may release to each other in like manner.

R.L. 1910, § 385. Amended by Laws 2008, c. 47, § 3, eff. Nov. 1, 2008.

§8-7. Exemptions.

All the property of every such benevolent corporation, and the lots sold by it to individual proprietors, shall be exempt from taxation, assessment, lien, attachment, and from levy and sale upon execution; and all such real property shall be exempt from appropriation for streets, roads, or any other public uses or purposes.

R.L.1910, § 386.

§8-8. Appropriation of net proceeds from lot sales.

The proceeds arising from the sale of lots, after deducting all expenses of purchasing, inclosing, laying out and improving the ground, and of erecting buildings, shall be exclusively applied, appropriated and used in protecting, preserving, improving and embellishing the cemetery and its appurtenances, and to paying the necessary expenses of the corporation and must not be appropriated to any purpose of profit to the corporation or its members.

R.L.1910, § 387.

§8-9. Retention of portion of proceeds by benevolent, religious and charitable institutions.

Benevolent, religious and charitable institutions which own, maintain and operate cemeteries under the laws of this state shall be permitted to retain ten percent (10%) of the gross proceeds of all lots sold by such an institution for the purpose of interment; and any sum so retained may be used by it in any manner which may further its legitimate objects.

Laws 1910-11, c. 17, p. 34, Section 1.

§8-10. Payment of debts and obligations.

Debts must be paid. At least fifty percent (50%) of the gross proceeds of sales of blocks, lots, plots, or graves must be applied as often as every six (6) months to the payment of the debts and obligations of such corporation as long as such debts and obligations exist.

R.L. 1910, § 388. Amended by Laws 1915, c. 261, § 3; Laws 2008, c. 47, § 4, eff. Nov. 1, 2008.

§8-11. Rights of lot owners in old grounds.

When grounds purchased or otherwise acquired for cemetery purposes have been previously used as a burial ground, those who are lot owners at the time of the purchase continue to own the same and are members of the corporation, as hereinafter provided, with all the privileges the purchase of a corporation confers.

R.L.1910, § 389.

§8-12. Election of officers - Votes and eligibility of lot owners - Control by original corporators or successors.

At each subsequent election of officers of any such corporation, held after the first annual election, the owner or owners of a lot in the cemetery, and none other, shall be entitled to one vote at such election, or for any other purpose, and no more than one vote; and shall, by virtue of such proprietorship, be a member of the corporation, and eligible to any of its offices; but if there be more than one proprietor of any such lot, then such one of the proprietors as the majority of them shall designate may cast the one vote as aforesaid; and each trustee or director shall be the sole proprietor of a lot in such cemetery: Provided, that whenever less than five (5) persons reside within five miles of any cemetery own lots therein, the original corporators or their successors may control and manage said cemetery.

R.L.1910, § 390.

§8-13. Superintendent - Duties - Election - Term - Eligibility - Supervision and control - Salary.

In addition to the other officers of such corporation, it shall have an officer, known as its superintendent, whose duty it shall be to care for and protect the grounds of such cemetery and its appurtenances, and to enforce its bylaws, in relation to its grounds, and to superintend the making of repairs and the construction of improvements and the maintenance of all permanent improvements, or embellishments of every kind, which tends to beautify such cemetery or render it convenient for such use, or preserve it permanently as a burying ground for the dead. Such superintendent shall be elected at the same time the other officers of such corporation are elected, and shall hold his office for the same length of time as the president thereof, and shall be the owner of at least one lot in the cemetery,

and shall be under the direct supervision, and control of the board of directors. The salary of such superintendent shall be fixed by the bylaws of such corporation.

R.L.1910, § 391; Laws 1915, c. 27, § 1.

§8-14. Trustees or directors - Regular meetings - Election of officers - Appropriation of lot sale proceeds - Special meetings.

Meetings of board of directors. The board of trustees or directors of such corporation shall hold a regular meeting without notice immediately following the annual meeting of the members on the first Tuesday in July of each and every year, at which meeting it shall elect a president, a vice-president, a secretary, a treasurer, and shall ascertain the amount received from the sale of lots during the six (6) months immediately preceding such meeting and enter the same in a book to be kept for that purpose, and shall set aside by proper resolution not less than one-half (1/2) of such receipts for the purposes set forth in section 387 and shall transact such other business as may come before the meeting. Special meetings may be held at any time upon call of the president or a majority of the trustees or directors and upon written notice, mailed to each member of the board at least five (5) days before the meeting or upon written consent of all the members of the board.

R.L.1910, § 392; Laws 1915, c. 261, § 4.

§8-15. Members' meetings - Notices - Quorum - Special meetings.

Annual meeting of members. The annual meeting of the members of such cemetery association shall be held each year as set by its board of directors or other applicable organization for the purpose of electing directors and transacting such other business as may come before the meeting. Notice of the meeting must be given by the secretary by publication in a newspaper published in the county and in the city or town nearest to the corporation's cemetery at least two (2) weeks and not more than four (4) weeks prior to the date of such meeting; five (5) members shall constitute a quorum; special meetings may be held upon like notice; provided that if the members number less than fifty then the notices may be given by mailing the same to the members directed to the nearest post office to the location of the cemetery.

R.L.1910, § 393. Amended by Laws 1915, c. 261, § 5; Laws 2019, c. 170, § 1, eff. Nov. 1, 2019.

§8-16. Trustees' or directors' powers and duties - Accounts - Regulations - Payment of debts - Application of lot sale proceeds.

Duties of trustees or directors. The trustees or directors shall have the direction and control of the cemetery and other property of the corporation and shall have such other powers and duties not inconsistent with the provisions of this article as the trustees or

directors of other corporations not for profit under the law of the State of Oklahoma. They shall require a strict accounting to be kept of all monies received and expended on behalf of said corporation, look after and manage the affairs and fiscal concerns thereof, and see that all proper regulations are made for the proper conduct, maintenance and improvement of said cemetery, and shall also see that the debts and obligations of said corporation are paid as fast as the fifty percent of the gross proceeds of sales of lots, as provided by law, will permit, and shall also see that the other fifty percent of such proceeds are strictly applied to the maintenance, preservation, care and improvement of said cemetery, including the payment of the salary of the superintendent, and such other help as he may require. R.L.1910, § 394; Laws 1915, c. 261, § 6. R.L.1910, § 394; Laws 1915, c. 261, § 6.

§8-17. Investment of surplus funds - Tax exemption - Preservation of properties and funds.

Any surplus funds which said corporation may have in its treasury shall be invested by the board of directors in some perfectly secure real estate or securities, all of which shall be exempt from taxation, as is the property of other public corporations, and the board of directors shall exercise the best of care in the preservation of said properties and funds and the accumulation thereof, to the end that provisions may be made for the perpetual maintenance of said cemetery and the improvement, embellishing, beautifying and taking care thereof, for which purposes all of the funds of said corporation, after the payment of its debts, shall at all times be subject, to be applied. R.L.1910, § 395.

§8-18. Violation of provisions - Penalties.

Any person, firm or corporation violating any of the provisions of this Article, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than Twenty-five nor more than One Hundred Dollars (\$100.00), and not less than thirty (30) days nor more than six (6) months in jail. R.L.1910, § 396.

§8-31. Conveyance to Board of County Commissioners - Conveyance to corporation when formed.

The owner of land, any part of which has been used for human burial and no cemetery corporation, including the same, has been formed, as is now provided by law, to which title can be made, may convey or devise any designated part or the whole of such land, together with roads and rights of way for the ingress and egress of the public and persons interested, to the Board of County Commissioners of the County in which such land is situated, in trust,



for the use of the local community for cemetery purposes, and when any cemetery corporation has been formed for any such land so held in trust, the Board of County Commissioners shall, without charge or fee, convey the said land and such right of way and road, if any has been reserved, to such cemetery corporation.

Laws 1949, p. 51, § 1.

§8-36. Refusal of interment because of race, color or national origin prohibited.

It shall be unlawful for any person, group of persons, firm, corporation, organization, association or any other entity of any type to deny, refuse or prohibit the interment, entombment or burial of the remains of any deceased person in any cemetery, whether owned publicly or privately, because of the race, color or national origin of such deceased person.

Laws 1971, c. 267, § 1.

§8-37. Agreements void.

Provisions in any contract, agreement, deed or charter and any bylaw, rule, restriction, covenant or regulation adopted or put in force either subsequent or prior to the effective date of this act authorizing, permitting or requiring the denial, refusal or prohibition of the privilege of interment, entombment or burial because of race, color or national origin of any deceased person are hereby declared to be null and void, unenforceable and in conflict with the public policy of this state.

Laws 1971, c. 267, § 2.

§8-81. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-82. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-83. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-84. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

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§8-86. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-87. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-88. Disposition of bodies of deceased inmates or patients of state institutions.

A. The superintendents or wardens of state correctional facilities, of state hospitals and of state institutions are hereby

authorized and directed to remove the bodies of the deceased inmates or patients from such facilities and institutions, that are not claimed for private burial by friends or relatives thereof within ninety-six (96) hours after the death, and the superintendent or warden of such facility or institution shall notify the friends or relatives of the deceased inmate or patient by registered mail of the death of the deceased inmate or patient at the last known place of residence, if known, in accordance with state law and agency rules.

B. When the State Anatomical Board rejects the body of a deceased inmate or patient, the superintendent or warden of that facility or institution shall have the rejected body buried in lands of that facility or institution set aside for such purpose, or in such place authorized by law or agency rule. Provided, that the expenses of such burials shall be paid from the support and maintenance appropriation or any other appropriation made for the operating expenses of the facility or institution.

Added by Laws 1933, c. 35, p. 73, § 1, emerg. eff. April 3, 1933. Amended by Laws 1951, p. 13, § 1, emerg. eff. May 16, 1951; Laws 1957, p. 19, § 1, emerg. eff. June 1, 1957; Laws 1987, c. 236, § 122, emerg. eff. July 20, 1987; Laws 2015, c. 284, § 1, eff. Nov. 1, 2015.

§8-88.1. Receipt of bodies by State Anatomical Board.

It is hereby required that after the body has been received by the State Anatomical Board that it shall be required that said Anatomical Board shall hold and preserve the body for a period of not less than thirty (30) days from the date of death.

Laws 1957, p. 19, Section 2.

§8-90. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-91. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-94. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

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§8-140. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-141. Repealed by Laws 2015, c. 284, § 3, eff. Nov. 1, 2015.

§8-142. Partial invalidity.

If any provision of this act or application thereof to any person, property or circumstance is held invalid such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Laws 1949, p. 50, § 12.

§8-143. Maintenance and improvement of certain cemeteries by county commissioners.

In any county of this state, the board of county commissioners is hereby authorized and empowered to utilize employees under its jurisdiction and county-owned tools, machinery, equipment, and materials for the purposes of opening and closing graves and maintaining and improving any publicly owned cemetery or other cemetery within the county not owned and maintained by an individual or private organization; provided that, where appropriate, a reasonable fee, not to exceed the actual cost of the service, may be charged for such services.

Added by Laws 1961, p. 14, § 1. Amended by Laws 1977, c. 64, § 1, emerg. eff. May 23, 1977; Laws 2015, c. 284, § 2, eff. Nov. 1, 2015.

§8-144. Acceptance and use of monies and other items.

The board of county commissioners is hereby authorized and empowered to accept and use monies and other items of value from private and governmental sources for the purposes of opening and closing graves and maintaining and improving said cemeteries in carrying out the intent and purposes of this act.

Laws 1961, p. 14, § 2; Laws 1977, c. 64, § 2, emerg. eff. May 23, 1977.

§8-161. Renumbered as Title 36, § 7101 by Laws 2010, c. 58, § 26, eff. July 1, 2010.

§8-162. Renumbered as Title 36, § 7102 by Laws 2010, c. 58, § 27, eff. July 1, 2010.

§8-163. Renumbered as Title 36, § 7103 by Laws 2010, c. 58, § 28, eff. July 1, 2010.

§8-164. Renumbered as Title 36, § 7104 by Laws 2010, c. 58, 29, eff. July 1, 2010.

§8-165. Renumbered as Title 36, § 7105 by Laws 2010, c. 58, § 30, eff. July 1, 2010.

§8-166. Renumbered as Title 36, § 7106 by Laws 2010, c. 58, § 31, eff. July 1, 2010.

§8-167.1. Renumbered as Title 36, § 7107 by Laws 2010, c. 58, § 32, eff. July 1, 2010.

§8-168. Renumbered as Title 36, § 7108 by Laws 2010, c. 58, § 33, eff. July 1, 2010.

§8-168.1. Renumbered as Title 36, § 7109 by Laws 2010, c. 58, § 34, eff. July 1, 2010.

§8-169. Renumbered as Title 36, § 7110 by Laws 2010, c. 58, § 35, eff. July 1, 2010.

§8-169.1. Renumbered as Title 36, § 7111 by Laws 2010, c. 58, § 36, eff. July 1, 2010.

§8-170. Renumbered as Title 36, § 7112 by Laws 2010, c. 58, § 37, eff. July 1, 2010.

§8-181. Declaration of policy.

The people of the state have a vital interest in the establishment of cemeteries and the maintenance, preservation and operation thereof. To protect the citizens of the state, to promote the public welfare and public health thereof, and to prevent and guard against cemeteries from hereafter becoming a burden upon the community and the taxpayers of the state, the following provisions are enacted in the exercise of the police power of the state.

Laws 1955, p. 104, § 1.

§8-182. Acquisition of existing cemeteries - Written reports - Hearings - Determination - Exceptions.

(a) Any corporation, association, individual, partnership, trust, or any other organization however constituted which after the effective date of this act locates or establishes a cemetery, providing a grave, vault, columbarium, public mausoleum or other receptacle for the burial of dead human remains, in any county of the state, shall be subject to the provisions of this act.

(b) No corporation, association, individual, partnership, trust or any other organization however constituted, shall after the effective date of this act purchase or acquire, directly or indirectly, any interest in or the control of an existing cemetery or property which has been used as a burial ground in any county of this state, for the purpose of engaging in the business of the ownership, establishment, maintenance or operation of a cemetery, providing a grave, vault, columbarium, public mausoleum or other receptacle for the burial of dead human remains, unless and until a written report thereof is made to the board of county commissioners wherein the cemetery or burial ground is located, and an approval order is issued by the board to such organization prior to such purchase or acquisition. The written report shall be made and subscribed to by the interested parties, and shall be in such form and detail as the board shall prescribe and require. In the event the board finds, after the written report is made and a hearing held thereon, that the proposed purchase or acquisition and the consummation thereof will result in an evasion or avoidance of this act in that the organization proposing to so purchase or acquire intends to substantially change or alter the method or plan of operation of the cemetery or burial ground, which is hereby declared to constitute the location and establishment of cemetery after the effective date of this act, then and in that event the board shall issue an order disapproving the proposed purchase or acquisition, and it shall be unlawful for such purchase or acquisition, to be thereafter consummated unless and until such organization applies for and is issued a certificate of authority as provided by Section 3 of this act. In the event the board finds, after the written report is made and a hearing held thereon, that the proposed purchase or acquisition and the consummation thereof will not result in an evasion or avoidance of this act as hereinbefore provided, then and in that event the board shall issue an order approving the proposed purchase or acquisition and such organization shall not be required to apply for and be issued a certificate of authority as provided by Section 3 of this act. This subsection shall not apply to or affect the inheritance of any interest in or the control of a cemetery, mausoleum or burial ground.

(c) The provisions of this act shall not apply to a municipal, religious, fraternal, rural community, township, state, county and nonprofit corporate cemeteries and free community burial grounds which are subject to and regulated by Chapters 1, 2, 3, and 5 of Title 8, Oklahoma Statutes 1951; nor to cemeteries operated by charitable and eleemosynary institutions.

(d) The provisions of this act shall not apply to or affect the purchase or acquisition by an existing cemetery of additional real property which is immediately adjacent and adjoining to such cemetery nor to the construction of a mausoleum or columbarium on the real property of a cemetery.

Laws 1955, p. 104, § 2.

§8-183. Certificate of authority - Application - Investigation - Public hearing - Expenses.

(a) No organization subject to the provisions of this act shall locate or establish a cemetery in any county of this state except after a certificate of authority has been issued therefor by the board of county commissioners of the county wherein such cemetery is to be located and operated, except that no application shall be required pursuant to Section 2 of this act. The issuance of such certificate of authority shall rest solely in the discretion of the board of county commissioners of the county wherein such cemetery is to be located and operated. The request to establish such proposed cemetery shall be set forth in a written application made to the board of county commissioners, provided that the form of the application shall be prescribed and furnished by the board and shall contain such information as the board may require; provided, however, that no such certificate of authority shall be required for establishing or operating any cemetery, graveyard or burial ground in such cities containing a population over three hundred thousand (300,000), authority for the construction and operation of which shall be obtained from the governmental planning commission having jurisdiction over zoning and building regulations covering the area wherein such cemetery, graveyard or burial ground is located.

(b) The board of county commissioners shall not approve an application nor issue a certificate of authority until:

1. The board shall make or cause to be made an investigation and examination of the applicant and the application.

2. The board shall give notice of such application, and the hearing to be held thereon, by publication once a week for two (2) consecutive weeks in a newspaper having a general circulation in the county in which the applicant proposes to locate and operate the cemetery.

3. The board shall, after the date of the said publication, hold a public hearing on the application in such place in the county as it shall designate.

(c) After the filing of the application for a certificate of authority, the board of county commissioners shall make or cause to be made a careful investigation and examination relating to the financial standing and character of the organizers of the proposed cemetery, the character and qualifications and experience of the officers and managers thereof, for the use of the board, which information shall be considered confidential; of the adequacy of the initial investment in the proposed cemetery; of the adequacy of the planned perpetual care fund if the proposed cemetery is to be a perpetual care cemetery; of the proximity of the proposed cemetery to human dwellings and the sanitary and health conditions in regard to the location of the proposed cemetery; and of the public necessity for the cemetery in the community in which such proposed cemetery is to be located and operated; and if the board of county commissioners, after the public hearing herein provided, shall determine any of the questions unfavorable to the applicant, the applicant shall not be approved and the certificate of authority shall not be issued, and if such questions be determined favorably by the board, the board shall approve the application and the certificate of authority shall be issued.

(d) At the public hearing any person who is interested may appear and be heard, either in person or by his attorney. Within sixty (60) days from the date of such hearing the board of county commissioners shall render its findings and decision, in such form and detail as it shall prescribe, and a copy of the same shall be forwarded to the applicant and all persons who have entered an appearance.

(e) All expenses which may be incurred by the board of county commissioners in performing its duties as provided in this section shall be paid to the board by the applicant at the time of filing the application for the certificate of authority, provided such expenses shall in no event exceed Five Hundred Dollars (\$500.00) and any balance remaining unexpended shall be returned to the applicant by the board at the conclusion of the hearing.

Added by Laws 1955, p. 105, § 3, emerg. eff. May 23, 1955. Amended by Laws 1963, H.J.R. No. 554, p. 764, § 2, emerg. eff. June 14, 1963; Laws 2014, c. 100, § 1, eff. Nov. 1, 2014.

#### §8-184. Penalty.

Any person who wilfully violates any provision of this act shall be guilty of a misdemeanor and shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not exceeding six (6) months, or both such fine and imprisonment for each offense.

Laws 1955, p. 106, § 4.

§8-185. Conveyance of county lands for cemetery purposes.

The board of county commissioners may, without fee or charge, transfer and convey any land owned by the county, which at the time of conveyance is being used for cemetery purposes, or is situated adjacent to a tract of land being used for cemetery purposes, to any cemetery association, previously existing or formed for the purpose of taking such lands, said conveyance to be made and land to be used exclusively for purposes of human burial.

Laws 1969, c. 213, § 1.

§8-186. Ingress to and egress from certain cemeteries.

Any cemetery in this state consisting of ten or more grave spaces, lots, crypts or niches, including but not limited to, locations on property held in fee title, by leasehold, estate or easement by the state, any county, municipality, district, religious or fraternal organization, corporation, nonprofit corporation, partnership, association, individual or trust or charitable or eleemosynary institution, shall be allowed sufficient ingress to and egress from such cemetery by allowing the establishment of streets, roads or other public rights-of-way for such purpose. Such entity shall further allow sufficient ingress to and egress from any grave space, lot, crypt or niche within the cemetery by allowing sufficient access to any portion of the cemetery for such purpose.

Added by Laws 1986, c. 90, § 1, eff. Nov. 1, 1986.

§8-187. Abandoned cemetery on privately owned land - Visitation rights.

Any relative of the deceased who wishes to visit an abandoned cemetery which is completely surrounded by privately owned land, for which no public ingress or egress is available, shall have the right to reasonable ingress or egress for the purpose of visiting such cemetery. This right of access to such cemeteries extends only to visitation during reasonable hours and only for purposes usually associated with cemetery visits. For the purposes of this section, "abandoned cemetery" means any place where human skeletal remains are buried and which no body has been interred for at least twenty-five (25) years and where such site is readily identifiable as a cemetery by an inspection of the property. Any relative of the deceased who wishes to visit an abandoned cemetery shall make a good faith effort to notify the owners and tenants, if any, of said property prior to visiting the cemetery. This section shall not be interpreted to allow the creation of an easement or claim of easement nor a right of ownership or claim of right of ownership to an abandoned cemetery.

Added by Laws 1992, c. 214, § 1, eff. Sept. 1, 1992.

§8-201. Short title of Act.



This Act shall be known and cited as "The Burial Association Act."

Laws 1953, p. 129, § 1.

§8-202. Definitions.

The following terms as used in this act are defined as follows:

1. "Burial association" or "association" when used without limitation or qualification, shall mean an association, whether incorporated or nonincorporated, licensed pursuant to this act or which is otherwise subject to the provisions of this act; and

2. "Board" shall mean the Oklahoma State Board of Embalmers and Funeral Directors.

Laws 1953, p. 129, § 2; Laws 1992, c. 147, § 1, eff. July 1, 1992.

§8-203. Repealed by Laws 1992, c. 147, § 12, eff. July 1, 1992.

§8-203.1. State Burial Board abolished - Transfer of duties and authority to State Board of Embalmers and Funeral Directors.

A. The State Burial Board is hereby abolished. All powers, duties, responsibilities, property, personnel, assets, liabilities, fund balances, encumbrances and obligations of the State Burial Board are hereby transferred to the State Board of Embalmers and Funeral Directors. All references made in the Oklahoma Statutes to the State Burial Board shall mean the State Board of Embalmers and Funeral Directors.

B. The Oklahoma State Board of Embalmers and Funeral Directors is hereby vested with the duty and authority of enforcing and administering the provisions of Section 201 et seq. of this title. Added by Laws 1992, c. 147, § 2, eff. July 1, 1992.

§8-204. State Burial Board Administration and Enforcement Fund abolished - Transfer of funds.

A. There is hereby created a fund to be known as the "State Burial Board Administration and Enforcement Fund," and all fees received by the Board under the provisions of this act shall be paid to the Board and shall by it be deposited to the credit of such Fund. The Board shall have the authority to employ and fix the compensation of personnel necessary for the administration of this Act, and to incur and pay such expenses as are deemed necessary by the Board for such purpose. Such compensation and expenses shall be disbursed from the State Burial Board Administration and Enforcement Fund upon vouchers drawn and approved by the Board.

B. The State Burial Board Administration and Enforcement Fund, created pursuant to subsection A of this section, is hereby abolished. On July 1, 1992, any unencumbered funds remaining in the State Burial Board Administration and Enforcement Fund shall be transferred to the credit of the Fund of the State Board of Funeral

Directors and Embalmers, created pursuant to Section 396.14 of Title 59 of the Oklahoma Statutes. Any unexpended funds remaining in the State Burial Board Administration and Enforcement Fund after November 15, 1992, shall be transferred to the credit of the Fund of the State Board of Funeral Directors and Embalmers.

Laws 1953, p. 130, § 4; Laws 1992, c. 147, § 4, eff. July 1, 1992.

§8-205. Exemption from insurance laws - Operating expenses and trust fund - Mutual character - Members - Articles of agreement - Fees and assessments.

That all burial associations now operating or that may be hereafter organized, as incorporated or nonincorporated associations, which are nonprofit sharing in their operations and pay no fees or salaries to any of their officers and have no capital stock and which comply with the provisions of this act shall be exempt from the operations and the effect of the insurance laws of the State of Oklahoma; and shall not be required to comply with the insurance laws of the said state; provided, that all monies collected by said associations shall be accounted for; provided further that not more than twenty-five percent (25%) of said funds are to be used for operating expenses, and not less than seventy-five percent (75%) of the funds so collected is to be held as a trust fund for the benefit of the members.

Associations licensed under this act shall be mutual associations and every person who applies for and holds a burial agreement shall be a member of the association, in accordance with the bylaws of the association and shall be entitled to one vote, and such members may vote in person or by proxy. Burial associations are hereby declared to be charitable and benevolent associations.

The following shall be the Uniform Article of Agreement between burial associations and their members.

#### ARTICLES OF AGREEMENT

Article 1. In consideration of One Dollar (\$1.00) Membership fee and assessments of fifty cents (\$0.50) per month, or Five Dollars (\$5.00) for twelve (12) assessments if paid in advance, we agree to furnish the following protection for an entire family who live at home, and are solely dependent upon the head of the house. This protection also covers school students. All applicants must be in good health at the time of application for membership. Upon marriage of any of the children, they are automatically dropped from this certificate.

Article 2. All assessments are due on the first day of each month and carry fifteen (15) days grace, becoming delinquent on midnight of the fifteenth. Any certificate which has lapsed on account of failure to pay an assessment, may be reinstated by paying a fifty-cent assessment, provided that if any member of the family is

sick at the time of such reinstatement benefits will not be reinstated on such sick person until his recovery.

Article 3. All persons between the ages of seven (7) and seventy (70) at the time of application for membership are entitled to One Hundred Dollars (\$100.00) burial benefits; all children under the age of seven (7) are entitled to Fifty Dollars (\$50.00) burial benefits; upon reaching the age of seven (7), children are automatically entitled to One Hundred Dollars (\$100.00) burial benefits; applicants who join after they have reached the age of seventy (70) are entitled to Fifty Dollars (\$50.00) burial benefits. Stillborn babies are entitled to Twenty-five Dollars (\$25.00) burial benefits. In the event a baby is born into the family, the name may be placed on the certificate at no additional charge.

Article 4. All benefits are for service and merchandise only and must be furnished by the association. Said association will not be responsible for any debts incurred by the death of any member of this association.

Article 5. In the event death occurs beyond the distance of fifty (50) miles, the burial association being duly notified, may, in lieu of the above complete service, deliver to the express office for shipment, merchandise in the value as specified in this certificate, or mail Sixty Dollars (\$60.00) to the policy holder. All express charges shall be paid by the certificate holder.

Provided further that the Oklahoma State Board of Embalmers and Funeral Directors shall draft a uniform application for membership which shall be used by all burial associations operating in the State of Oklahoma, or which may be hereafter organized, said application for membership shall have printed across the face in red ink the following language: "This is not an application for life insurance." Said Board shall also provide for uniform membership fees, dues and/or assessments; the membership fee of One Dollar (\$1.00) shall be the assessment for the first month in which the agreement is issued, provided the remaining dues or assessments to be not less than fifty cents (\$0.50) on a monthly basis, provided, however, that twelve (12) assessments may be paid in advance for Five Dollars (\$5.00) and, provided further that if the funds on hand in the trust fund are equal to fifty cents (\$0.50) for each certificate in force a monthly assessment may be passed until such time as the funds in the trust are less than fifty cents (\$0.50) for each certificate in force. Provided that any association now in existence charging a less sum may continue to service all certificates now in effect at existing rates specified in the certificates; and certificates which lapse, and all new certificates must be written at the uniform rate set up by this act. No burial association licensed pursuant to the provisions of this act shall have the authority to levy any assessment on its members other than the assessment expressly provided for in the Uniform Article of Agreement. All certificates

of membership issued by said associations shall have printed across the face of said certificate the following language: "This is not a certificate of life insurance."

Laws 1953, p. 130, § 5; Laws 1992, c. 147, § 5, eff. July 1, 1992.

§8-206. Investment of trust funds.

No burial association shall invest its trust funds except in bonds and securities which are the direct obligations of the United States or in cash deposits in regularly established national or state banks.

Laws 1953, p. 131, § 6.

§8-207. Licenses.

(a) No burial association shall transact any business until the Board has issued a formal license authorizing it to do so, which license shall not issue until it is satisfied that the association has complied with the provisions of this act. Licenses issued to such association shall authorize the association to do business in this state until the last day of June following the date of issuance of the license, and the license may be renewed by the Board annually thereafter, unless sooner suspended, revoked, or renewal refused; provided, however, that any license shall continue in full force and effect until a new license be issued or specifically refused.

(b) The Board shall not suspend, revoke, or refuse to renew a license issued to any burial association unless, after a hearing held, it finds that one of the grounds specified in Section 15 of this act exists as to such association. Before the Board shall suspend, revoke, or refuse to issue or renew any license it shall issue a show cause order to such association stating specifically, the nature of the alleged violations, and fixing a time and place, at least ten (10) days thereafter, when a hearing of the matter shall be held. After such hearing, or upon failure of the association to make an appearance, the Board shall render its findings, decision and order in writing. After the Board has rendered its findings, decision and order, any party aggrieved may appeal within twenty (20) days to the district court of Oklahoma county by filing with the clerk of said court a petition in error together with a certified copy of the proceedings of the Board in such matter. If the appeal is from an order of the Board, such order shall not take effect during the pendency of the appeal unless the court shall determine otherwise. The court may review all the facts and in disposing of any issue before it, may modify, affirm or reverse any finding, decision or order of the Board, in whole or in part.

Laws 1953, p. 131, § 7.

§8-208. Burial agreements.

(a) Any burial association may issue a burial agreement containing burial benefits not exceeding twice the burial benefits provided in the Articles of Agreement as specified in Section 5 of this act, by charging and levying twice the membership fee and assessments specified therein.

(b) No burial association licensed pursuant to the provisions of this act shall issue more than one burial agreement providing a Two Hundred Dollar (\$200.00) benefit or more than two burial agreements each providing a One Hundred Dollar (\$100.00) benefit covering a family, or any member thereof; nor issue a burial agreement covering a family, or any member thereof, who are covered by a burial agreement issued by another burial association and the application form prescribed by the Board shall contain an interrogatory as to whether the family, or any member thereof, is so covered by such an agreement; provided, however, nothing in this act shall prohibit, and any burial association is hereby authorized, to issue an agreement to a family for the purpose of replacing an agreement theretofore issued by another burial association, and provided further such in lieu agreement shall at least provide the same benefits and coverage to the family as the agreement replaced.

(c) In the event of the death of a person who is covered by more than one agreement issued by one burial association the association's liability shall be limited to the providing of a burial benefit equal to twice the benefit specified in the Articles of Agreement as provided in Section 5 of this act, regardless of the number of burial agreements issued by the said burial association and covering such person, and the burial association is hereby prohibited from providing a burial benefit in excess thereof. In the event of the death of a person who is covered by more than one agreement issued by more than one burial association the agreement holder shall elect as to which association he shall make claim for the burial benefit; the association which is not so elected shall have no liability to provide the burial benefit and is hereby prohibited from providing any burial benefit.

Laws 1953, p. 132, § 8.

#### §8-209. Treasurer's bond.

The treasurer of every burial association, who shall be the custodian of the funds of the association, shall file with the Oklahoma State Board of Embalmers and Funeral Directors a bond, in the form prescribed by the Board, running in the favor of the State of Oklahoma, executed by an insurance company authorized to do business in this state, and to be conditioned that the trust fund of the association will be held and administered in accordance with the provisions of this act, which bond shall at all times be equal to, or in excess of, the trust fund but which in no event shall be in an amount less than One Thousand Dollars (\$1,000.00).

Laws 1953, p. 132, § 9; Laws 1992, c. 147, § 6, eff. July 1, 1992.

§8-210. Reimbursement of trust fund.

The Board shall have the authority, after a hearing held, to issue an order directing the officers of an association to reimburse the trust fund for any withdrawal therefrom when the Board finds that the officers have wrongfully paid a claim or have otherwise wrongfully disbursed funds from the trust fund.

Laws 1953, p. 132, § 10.

§8-211. Inspections and examinations - Costs.

Whenever the Board deems it necessary or advisable, and at least once in each year, it shall examine, through its authorized representative each burial association and thoroughly inspect and examine its financial condition, whether it has complied with the provisions of the law and any other facts relative to its business methods, management, and the equity of its dealings with its members and claimants. The Board or its authorized representative may subpoena and administer the oath to and examine witnesses, the directors, officers, trustees, agents, representatives, and members of any association and any other person, relative to its affairs, transactions and conditions. The cost of any examination exceeding four (4) hours in duration made pursuant to the provisions of this section shall be the responsibility of the examined burial association. Provided, however, no such cost paid by the examined burial association shall exceed five percent (5%) of the total income of said burial association or Two Hundred and Fifty Dollars (\$250.00) whichever is greater.

Amended by Laws 1985, c. 142, § 1, emerg. eff. June 7, 1985.

§8-212. Misrepresentations.

No association and no director, trustee, officer, agent, employee, solicitor, or other representative thereof, or any other person, shall make, issue, circulate, or cause or permit to be made, issued, or circulated, a statement of any sort misrepresenting the terms, conditions or character of any agreement issued by it or the benefits or advantages promised thereby.

Laws 1953, p. 133, § 12.

§8-213. Discrimination.

Discrimination between members of the same class in the amount of assessments, dues, and fees charged for or on any agreement, or in any benefits payable thereon, or in any of the terms or conditions of such agreement, or in any manner whatsoever is prohibited. This Act shall not prohibit different assessments, dues, fees or benefits for individuals insured under different plans at different times. No association and no director, trustee, officer, agent, employee,

solicitor or other representative thereof shall pay, allow or give, or offer to pay, allow or give directly or indirectly, as an inducement to insure any rebate of the assessment, dues or fees payable on the agreement, or any special favor or advantage in the benefits to accrue thereon not specified in the agreement or any paid employment contract for services of any kind or any valuable consideration or inducement whatever; provided however, nothing herein shall prohibit a burial association or any agent thereof in connection with the sale of an agreement from truthfully advertising or stating the advantages of a funeral service rendered by a designated funeral home.

Laws 1953, p. 133, § 13.

§8-214. Annual report - Annual license fee.

Every burial association doing business in the State of Oklahoma under the provisions of Sections 201 et seq. of this title shall, annually, on or before the last day of June, report under oath of the president and secretary of said association to the Oklahoma State Board of Embalmers and Funeral Directors, the total income, less refunds, received by the association from its member during the preceding calendar year and shall at the same time pay to the Board an annual license fee equal to one percent (1%) of the said total income, less refunds, as a condition precedent to the issuance of the annual license, or the renewal of said license, to the association. The Board may, if it deems that the Oklahoma State Board of Embalmers and Funeral Directors Administration and Enforcement Fund is or will be insufficient to meet the expenses of the new license year, increase the annual license fee to an amount not exceeding four percent (4%) of said total income. Any burial association failing to make such returns and payments promptly and correctly shall forfeit and pay to the Board in addition to said fees, the sum of Two Hundred Fifty Dollars (\$250.00). In the event any such burial association so fails or neglects to make returns or payments within sixty (60) days, the Board shall notify the burial association and its agents that they have no authority to do business in the state and the Board shall request the Attorney General to proceed to collect said fees and penalties and interest thereon, by an action at law.

Laws 1953, p. 133, § 14; Laws 1978, c. 222, § 2, eff. Oct. 1, 1978; Laws 1985, c. 142, § 2, emerg. eff. June 7, 1985; Laws 1992, c. 147, § 7, eff. July 1, 1992.

§8-215. Injunction against continuation of business.

If the Board is of the opinion upon examination or from other evidence, that any burial association:

(1) is in an insolvent condition in that it fails and is unable to provide any burial benefit in accordance with the terms and conditions of its burial agreement, or

(2) has not complied with its articles of incorporation or agreement or the provisions of the law applicable to such association, or

(3) is not maintaining its trust fund according to the provisions of this act, or

(4) that its condition or management is such as to render its further proceedings or transaction of business hazardous to the public, or its members, or to its creditors, or

(5) that its treatment and dealings with its members and claimants are not equitable or just, or

(6) has not complied with, or has violated, a written rule or regulation or order promulgated or issued by the Board, it shall apply to the district court of Oklahoma County, through the Attorney General of the state, for an injunction restraining the burial association, in whole or in part, from further proceeding with its business. The court may issue an injunction forthwith and may, after notice to the association, and hearing held, make the injunction perpetual, and make all orders and decrees needful in the premises, and may appoint a person designated by the Board to act for and in its behalf as receiver to take possession of the property and effects of the association and to settle its affairs, subject to such rules and orders as the court from time to time may prescribe.

Laws 1953, p. 133, § 15.

#### §8-216. Application for receiver.

No person or party other than the Oklahoma State Board of Embalmers and Funeral Directors may appear in the courts of this state requesting the appointment of a receiver of a burial association.

Laws 1953, p. 134, § 16; Laws 1992, c. 147, § 8, eff. July 1, 1992.

#### §8-217. Merger, consolidation or reinsurance.

(a) No burial association shall merge, consolidate, or reinsure all of its business with another burial association, except with the approval of the Oklahoma State Board of Embalmers and Funeral Directors.

(b) A copy of the agreement or document effecting such merger, consolidation, or reinsurance shall be filed with the Oklahoma State Board of Embalmers and Funeral Directors.

Laws 1953, p. 134, § 17; Laws 1992, c. 147, § 9, eff. July 1, 1992.

#### §8-218. Burial agents, who are.

Any person, who for a consideration solicits, negotiates, or effects, or offers to solicit, negotiate, or effect, any burial agreement in this state for or on behalf of any burial association shall be a burial agent within the intent of this Act, and shall



become subject to all the duties, requirements, obligations, liabilities and penalties imposed by this Act.  
Laws 1953, p. 134, § 18.

§8-219. Burial agent license - Necessity.

No person shall, in this state, engage directly or indirectly, in the business as a burial agent for any burial association unless such person holds a burial agent license authorizing him to represent such burial association.

Laws 1953, p. 134, § 19.

§8-220. Application for burial agent license and proceedings thereon.

(a) Application for a burial agent license shall be made to the Board upon a form prescribed by the Board.

(b) Upon receipt of the application the Board shall promptly determine the general reputation and character of the applicant as to honesty, integrity, and responsibility. If the Board finds that the applicant would be a trustworthy person to hold a burial agent license and that the applicant otherwise qualifies under the provisions of this act, it shall issue a burial agent license to the applicant upon requisition by a burial association or associations.

(c) If the Board finds that the applicant does not qualify to hold a burial agent license, it shall so advise the applicant and at the same time forward to the applicant a full and complete statement of the reasons supporting such finding. The Board shall within fifteen (15) days after the applicant receives such statement grant a hearing on the matter upon receiving a written request from the applicant. The Board, at the conclusion of the hearing shall make its written findings, decision and order. Within twenty (20) days after being served with a copy of the written findings, decision and order, the applicant may appeal to the district court of Oklahoma County by filing with the clerk of the court a petition for review of the findings, decision and order, together with a certified copy of the proceedings of the Board. The court may review all the facts and, in disposing of any issue before it, may modify, affirm, or reverse the findings, decision and order of the Board, in whole or in part.

Laws 1953, p. 134, § 20.

§8-221. Issuance of agent's licenses on association's application - Fee - Renewals.

(a) Every burial association desiring to appoint a person as its agent shall apply to the Board, upon a requisition form prescribed by the Board, for a burial agent license for said person. The requisition of the burial association shall be accompanied by a burial agent license fee of Ten Dollars (\$10.00) for such agent.

(b) If the person designated by the association has qualified to hold a burial agent license, the Board shall issue a burial agent license to such person. The burial agent license issued by the Board shall be in the form prescribed by the Board, provided the same may be of a continuous form, and shall recite that the agent is authorized to engage in the business as a burial agent for said burial association. Every burial agent license shall expire on the following June 30th, unless sooner renewed.

(c) Prior to the 30th day of June of each year every burial association shall file with the Board, upon a requisition form, an alphabetical list of all its agents whose burial agent licenses it desires to renew and at the same time pay to the Board a renewal license fee of Ten Dollars (\$10.00) for each agent.

(d) Upon the renewal of each burial agent license the Board shall prepare, issue and forward a renewal receipt to the association which shall forward the same to the agent. The renewal receipt shall evidence the renewal of the burial agent license and shall at all times be in the custody of the agent. Every burial agent license for which there has been filed a renewal requisition and license fee paid prior to its expiration date, shall continue in force and effect until a renewal receipt has been issued or the agent and the association have received notice from the Board that it has specifically refused to renew the burial agent license as hereinafter provided.

(e) The burial agent license fee shall be paid by the association making the requisition and such association shall not, directly or indirectly, charge the same to the agent.

Amended by Laws 1985, c. 142, § 3, emerg. eff. June 7, 1985.

§8-222. Revocation or refusal to renew agent's license.

(a) The Board may revoke or refuse to renew any burial agent license, if, after a hearing held, the Board finds:

(1) That the agent has obtained or attempted to obtain any burial agent license through willful misrepresentation or fraud.

(2) That the agent has materially misrepresented the terms, conditions, benefits or effect of any burial agreement, or the financial condition or manner of doing business of any burial association.

(3) That the agent has been convicted, by final judgment, of a felony.

(4) That the agent has misappropriated or withheld from a burial association or burial agent any money or property received or collected by him for such burial association or burial agent.

(5) Any cause for which issuance the burial agent license could have been refused had it then existed and had been known to the Board.

(6) That the agent has willfully violated any provisions of this act.

(b) The holder of any burial agent license which has been revoked or renewal refused for cause by the Board, or cancelled by a burial association, shall surrender the same and the last renewal receipt to the Board upon receiving notice of revocation or refusal or cancellation.

(c) The Board, may, if it finds that extenuating and mitigating circumstances exist, issue an order suspending its order of refusal to renew, or revocation of, any burial agent license and placing the agent on probation under such conditions and for such period of time as it deems necessary. In the event the agent violates or fails to comply with the conditions of the probation the Board shall, after notice to the agent and a summary hearing, have the authority to cancel the probation and to revoke the burial agent licenses held by the agent.

(d) No person shall be issued a burial agent license for a period of three (3) years after the Board has issued an order revoking or refusing to renew such person's burial agent license.  
Laws 1953, p. 135, § 22.

§8-223. Procedure for revocation or refusal to renew agent's license.

A hearing before the Board for the purpose of revoking or refusing to renew a burial agent license shall be had only upon a sworn complaint signed by a complainant, or a show cause order issued by the Board, after a copy thereof has been served on the agent and the burial associations for which the agent is licensed or which have made requisition for such agent.

(1) The sworn complaint and the show cause order shall be concise and definite in such a manner so as to apprise the agent of the nature of the charge.

(2) The agent and the interested burial associations shall be served at least ten (10) days prior to the date of the hearing.

(3) Formal rules of procedure or evidence need not be observed by the Board in the conduct of the hearing.

(4) At the expense of and at the written request seasonably made by an interested party, the Board shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter, and if transcribed such record shall be made a part of the Board's record of the hearing.

(5) The Board at the conclusion of the hearing shall make its written findings, decision and order, and a copy thereof shall be served on all interested parties.

(6) Any party aggrieved by any findings, decision or order of the Board, may appeal within twenty (20) days after receipt of the findings, decision and order to the district court of Oklahoma County

by filing with the clerk of said court a petition for review of such findings, decision and order, together with a certified copy of the proceedings of the Board. The court shall determine whether the appeal shall operate as a stay of the order of the Board. The court may review all the facts and, in disposing of any issue before it, may affirm, modify, or reverse the findings, decision or order of the Board in whole or in part.  
Laws 1953, p. 136, § 23.

§8-224. Burial agreements issued only through resident agents.

(a) No burial agreement shall be issued or delivered in this state by a burial association unless through its licensed resident agent.

(b) No burial association or burial agent shall pay, allow or give, directly or indirectly, any money, commissions, or other valuable consideration to any person, who, in this state, solicits, negotiates, or effects a burial agreement unless such person held a burial agent license with the burial association that issued the agreement at the time of the soliciting, negotiating, or effecting such agreement.

Laws 1953, p. 136, § 24.

§8-225. Solicitors deemed agents of association.

Any person who shall solicit and shall procure an application for a burial agreement shall, in all matters relating to such application and the agreement issued in consequence thereof, be regarded as the agent of the burial association issuing the agreement and not the agent of the applicant or member.

Laws 1953, p. 136, § 25.

§8-226. Depositions, witnesses and evidence.

(a) In any proceeding arising under this act, any member of the Board, or any interested party, may take depositions as in civil proceedings and the Board may, on its own motion, and shall, upon request of any interested party, subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to any hearing or investigation under this act. The subpoena may be served anywhere in the state and the service thereof shall not be limited to the county wherein the Board is located.

(b) The subpoena shall have the same force and effect and shall be served in the same manner as if issued from a court of record.

(c) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of record. Witness fees and mileage shall be paid by the Board, or by the person who requests the hearing.

(d) If any person fails to obey the subpoena, or obeys the subpoena but refuses to testify when required, the Board shall file a

written report thereof and proof of service of the subpoena with the clerk of the district court in the county where the person resides or may be. Thereupon, the court shall forthwith cause the person to be brought before the court to show cause why he should not be punished the same as if he had failed or refused to obey a subpoena from or give testimony in such court.

Laws 1953, p. 136, § 26.

§8-227. Application of law to existing associations.

(a) The provisions of this Act shall apply to every burial association, corporation, partnership or person now engaged in the business of burial insurance or that hereafter engages in the business of burial insurance, which have not been issued a license to do business in the State by the Insurance Commissioner or the State Fraternal Board.

(b) Every such burial association doing business in this state on the operative date of this Act shall within thirty (30) days thereafter comply with the provisions of this Act as a condition precedent to the continuation of doing business in this state.

Laws 1953, p. 137, § 29.

§8-228. Foreign associations or corporations.

No burial association or corporation which is organized or incorporated under the laws of another state shall be licensed to do business in this state under the provisions of this Act.

Laws 1953, p. 137, § 30.

§8-229. Rules and regulations.

The Board may make and promulgate written rules and regulations reasonable, necessary and incidental to the enforcement and administration of the provisions of this act.

Laws 1953, p. 137, § 31.

§8-230. Effective date - Exemption of certain existing associations - Bond of Treasurer.

The operative date of this Act shall be June 1, 1953. Provided that the provisions of this Act shall not apply to an association which has been issuing the individual certificate, and individual certificate only, prior to January 1, 1943, and which organization was organized pursuant to the provisions of Section 10453, Oklahoma Statutes, 1931, and any such association now operating, which is nonprofit-sharing in its operation and pays no fees or salaries to any of their officers and have no capital stock and provides a burial out-fit and burial, the total value of which shall not exceed Two Hundred Dollars (\$200.00) to those entitled thereto under the said certificate, and which associations do not make an assessment against their members until and unless the fund on hand derived from

membership fees or assessments in the treasury of said association would only pay for the burial of six adults entitled to a burial by said association, shall be exempt from the operations and effect of the Insurance Laws of the State of Oklahoma, and shall not be required to comply with the Insurance laws of said state; provided that the money collected by such association or associations shall be held as a trust fund for the benefit of the beneficiaries and that at least seventy-five percent (75%) of the membership fees collected from the memberships shall be accounted for and paid into this fund, and that all of any future assessments or memberships shall be paid into this fund.

That the treasurer of said association be required to file with the court clerk of the county in which the association is organized a surety bond running in the name of "The State of Oklahoma;" said bond to be approved by the court clerk of said county, and to be conditioned that the funds of the association will be held and applied as a trust fund to be paid out only in accordance with the purposes of the association, which bond shall at all times equal the amount of the trust fund on hand in such association, and in no event to be less than Two Thousand Dollars (\$2,000.00).

Laws 1953, p. 137, § 32.

#### §8-230.1. Dissolution of burial association.

A. At a meeting of the burial association held in accordance with the bylaws of such association, the burial association may vote to dissolve the association.

B. Upon the affirmative order of the burial association, the burial association shall be deemed dissolved. The board of directors of the burial association shall file notice of such dissolution with the Secretary of State.

C. All debts, liabilities and obligations of the association shall be paid and discharged upon the dissolution of the burial association. The association shall issue a certificate of guarantee for the full amount of the policy to each beneficiary. The certificate of guarantee may be redeemed for goods and services only at the time the death of the beneficiary occurs and shall not be redeemed for cash.

D. Upon filing with the Secretary of State of notice of dissolution, the association shall cease to carry on its business except insofar as may be necessary for the winding up thereof.

E. Each member of the burial association shall be notified of the dissolution of the association.

F. The Oklahoma State Board of Embalmers and Funeral Directors shall be provided notice within ten (10) days of the dissolution of any association. A list of all members who have been provided certificates of guarantee shall be provided to the Oklahoma State Board of Embalmers and Funeral Directors and will be maintained in

the records of the Oklahoma State Board of Embalmers and Funeral Directors.

G. Upon request of notice of dissolution and compliance with the provisions of this section, the Secretary of State shall issue a certificate of dissolution for the association.

Added by Laws 1992, c. 147, § 3, eff. July 1, 1992.

§8-230.2. Dissolution of unincorporated burial association.

A. At a meeting of an unincorporated burial association, pursuant to such procedural rules or practices as have been observed or adopted by the association, the members may vote to dissolve the association.

B. If the vote to dissolve is affirmative, the officers of the association shall, within ten (10) days of the action, notify all members of the association and shall provide the Oklahoma State Board of Embalmers and Funeral Directors notice of the action taken.

Within thirty (30) days, the officers shall furnish to the Board a list of the names and last-known addresses of the beneficiaries.

C. Upon discharging all debts, liabilities, and obligations of the association, the officers shall so notify the Board, whereupon the association shall cease to exist.

Added by Laws 1999, c. 63, § 1, eff. Nov. 1, 1999.

§8-231. Violations of act - Punishment.

Any corporation, association, or director, trustee, officer, employee, agent or representative thereof, or any other person, who willfully violates any provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) for each offense.

Laws 1953, p. 138, § 33.

§8-301. Renumbered as Title 36, § 7121 by Laws 2010, c. 58, § 38, eff. July 1, 2010.

§8-302. Renumbered as Title 36, § 7122 by Laws 2010, c. 58, § 39, eff. July 1, 2010.

§8-303. Renumbered as Title 36, § 7123 by Laws 2010, c. 58, § 40, eff. July 1, 2010.

§8-304. Renumbered as Title 36, § 7124 by Laws 2010, c. 58, § 41, eff. July 1, 2010.

§8-305. Renumbered as Title 36, § 7125 by Laws 2010, c. 58, § 42, eff. July 1, 2010.

§8-306. Renumbered as Title 36, § 7126 by Laws 2010, c. 58, § 43, eff. July 1, 2010.

§8-307. Renumbered as Title 36, § 7127 by Laws 2010, c. 58, § 44, eff. July 1, 2010.

§8-308. Renumbered as Title 36, § 7128 by Laws 2010, c. 58, § 45, eff. July 1, 2010.

§8-309. Renumbered as Title 36, § 7129 by Laws 2010, c. 58, § 46, eff. July 1, 2010.

§8-310. Renumbered as Title 36, § 7130 by Laws 2010, c. 58, § 47, eff. July 1, 2010.

§8-311. Renumbered as Title 36, § 7131 by Laws 2010, c. 58, § 48, eff. July 1, 2010.

§8-312. Renumbered as Title 36, § 7132 by Laws 2010, c. 58, § 49, eff. July 1, 2010.

§8-313. Renumbered as Title 36, § 7133 by Laws 2010, c. 58, § 50, eff. July 1, 2010.

§8-314. Repealed by Laws 2010, c. 58, § 25, eff. July 1, 2010.

§8-315. Renumbered as Title 36, § 7134 by Laws 2010, c. 58, § 51, eff. July 1, 2010.

§8-316. Renumbered as Title 36, § 7135 by Laws 2010, c. 58, § 52, eff. July 1, 2010.