

New Rule, R.1990 d.357, effective July 16, 1990.
 See: 22 N.J.R. 1185(a), 22 N.J.R. 2142(b).
 Amended by R.2000 d.487, effective December 4, 2000.
 See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Rewrote the section.
 Amended by R.2006 d.203, effective June 5, 2006.
 See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).
 Substituted "N.J.S.A. 45:27-27" for "N.J.S.A. 8A:3-14" in (a); deleted former (c); recodified (d) through (f) as (c) through (e); and substituted "N.J.S.A. 45:27-22" for "N.J.S.A. 8A:5-18" in (c)2 and (d).
 Amended by R.2007 d.323, effective October 15, 2007.
 See: 38 N.J.R. 4170(a), 39 N.J.R. 4406(a).
 In (b), substituted "up to" for "not more than"; and inserted the second and third sentences.

SUBCHAPTER 9. CREMAINS

13:44J-9.1 Shipment

A cemetery company may ship cremains through the U.S. Postal System, using registered mail, return receipt, or any other parcel service which provides a delivery document. The cemetery company shall label both the inside container and outside wrapper to identify the contents. The cremains shall be securely packaged and insured.

Amended by R.2000 d.487, effective December 4, 2000.
 See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).
 Rewrote the section.

SUBCHAPTER 10. SALESPEOPLE

13:44J-10.1 Salesperson license

No person may act as a cemetery salesperson unless he or she holds a valid license issued by the Board or is an officer, superintendent, manager or clerk of the cemetery company.

New Rule, R.2000 d.487, effective December 4, 2000.
 See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

13:44J-10.2 Application for license as a cemetery salesperson

(a) An applicant for an initial cemetery salesperson license shall submit the following:

1. A completed application form;
2. A passport size face photograph, taken within the last year;
3. The application and temporary license fee as provided by N.J.A.C. 13:44J-3.1(a)2i;
4. A completed criminal history investigation form and fingerprint card, provided by the Board;
5. The criminal history investigation fee in the form of certified check or money order as set by the New Jersey State Police;
6. For applicants who have been convicted of a criminal offense, a completed criminal history questionnaire;

7. For applicants who reside outside of New Jersey, a completed designation of agent form;

8. A completed child support questionnaire; and

9. An affidavit stating that the applicant will not engage during active licensure as a cemetery salesperson in any activity prohibited by N.J.S.A. 45:27-16(c), which includes:

- i. The manufacture or sale of memorials;
- ii. The manufacture or sale of private mausoleums;
- iii. The manufacture or sale of vaults, including vaults installed in a grave before or after sale and vaults joined with each other in the ground; and
- iv. The conduct of any funeral home or the business or profession of mortuary science.

(b) Once the Board has received the completed application, it may issue a temporary license allowing an applicant to act as a cemetery salesperson until the Board has received the results of the criminal history investigation. The temporary license shall be valid for 60 days.

(c) The Executive Director of the Board is authorized to extend the validity of a temporary license beyond the 60-day limit for additional periods not exceeding 30 days each if:

1. The Board has not received the results of the criminal investigation by the end of the preceding period; or
2. The Board has not had an opportunity to review the results of the criminal investigation within that preceding period.

(d) The Board shall be notified that an extension has been granted at the next regularly scheduled meeting.

(e) The Board shall issue a license to the applicant once it has received and reviewed a criminal history investigation which indicates that the applicant has not been convicted of a crime or that, if the applicant was convicted of a crime, it has determined that, pursuant to N.J.S.A. 2A:168A-1 et seq., that a license should be granted. The applicant shall pay the initial license fee as set forth in N.J.A.C. 13:44J-3.1.

Amended by R.1994 d.579, effective November 21, 1994.
 See: 26 N.J.R. 3785(a), 26 N.J.R. 4597(a).

Amended by R.1995 d.581, effective November 6, 1995.
 See: 27 N.J.R. 3122(a), 27 N.J.R. 4437(a).

Amended by R.2000 d.487, effective December 4, 2000.
 See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Rewrote the section.
 Amended by R.2006 d.203, effective June 5, 2006.
 See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Substituted "60" for "45" in (b); and substituted "60-day limit for additional periods not exceeding 30 days each" for "45-day limit" in the introductory paragraph of (c) and substituted "preceding" for "45 day" in (c)1 and (c)2.

Amended by R.2007 d.289, effective September 17, 2007.
 See: 38 N.J.R. 4169(a), 39 N.J.R. 3944(a).

In (a)7, deleted "and" from the end; in (a)8, substituted "; and" for the period at the end; and added (a)9.

13:44J-10.3 Renewal of license

(a) A cemetery salesperson license shall be valid for two years. An applicant for renewal of a cemetery salesperson license shall submit the following:

1. A completed renewal form;
2. The renewal fee as specified by N.J.A.C. 13:44J-3.1(a)2iii; and
3. For applicants who reside outside of this State, a designation of agent form if no designation of agent form has ever been submitted to the Board or if the designation of agent form previously submitted does not list the current agent for service of process.

New Rule, R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Amended by R.2006 d.203, effective June 5, 2006.

See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Added the first sentence in the introductory paragraph of (a).

13:44J-10.4 Possession of license

(a) A licensed cemetery salesperson shall have the license in his or her possession whenever acting as a cemetery salesperson.

(b) A copy of the cemetery salesperson license shall be posted in each office of the cemetery company.

New Rule, R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Amended by R.2006 d.203, effective June 5, 2006.

See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Added the (a) designation and added (b).

13:44J-10.5 Branch licenses

(a) A cemetery salesperson may sell for more than one cemetery company. A cemetery salesperson who sells for more than one cemetery company shall obtain an initial license for the first cemetery company for which he or she sells and a branch license for every other cemetery company for which he or she sells.

(b) A cemetery salesperson who applies for a branch license shall pay a branch license fee pursuant to N.J.A.C. 13:44J-3.1(a)2iv.

(c) Branch licenses shall be renewed at the same time as the initial license. An applicant for renewal of a branch license shall submit the following:

1. A completed renewal form;
2. The renewal fee as specified by N.J.A.C. 13:44J-3.1(a)2vi; and
3. For applicants who reside outside of this State, a designation of agent form if no designation of agent form has ever been submitted to the Board or if the designation of agent form previously submitted does not list the current agent for service of process.

Amended by R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Rewrote the section.

Amended by R.2003 d.399, effective October 6, 2003.

See: 35 N.J.R. 504(a), 35 N.J.R. 4726(a).

Amended by R.2006 d.203, effective June 5, 2006.

See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Section was "Multiple licenses". Inserted the (a) designation and in (a), substituted "may sell" for "selling" in the first sentence, in the second sentence, inserted "A cemetery salesperson who sells for more than one cemetery company" and substituted "an initial" for "a separate", "the first" for "each" and "and a branch license for every other cemetery company for which he or she sells" for "and shall pay a license and temporary license fee for each cemetery but the applicant shall be required to pay only one application fee"; and added (b) and (c).

13:44J-10.6 Jurisdiction; local licensing and bonding

No county or municipality may require a validly licensed cemetery salesperson to purchase or obtain any type of license or permit or to post any type of bond in connection with the sale of cemetery property or services supplied or performed by a cemetery company.

Amended by R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Deleted a reference to offers to sell.

13:44J-10.7 Prohibited activities

(a) A cemetery salesperson shall not engage during active licensure as a cemetery salesperson in any activity prohibited by N.J.S.A. 45:27-16(c) including:

1. The manufacture or sale of memorials;
2. The manufacture or sale of private mausoleums;
3. The manufacture or sale of vaults, including vaults installed in a grave before or after sale and vaults joined with each other in the ground; and
4. The conduct of any funeral home or the business or profession of mortuary science.

New Rule, R.2007 d.289, effective September 17, 2007.

See: 38 N.J.R. 4169(a), 39 N.J.R. 3944(a).

SUBCHAPTER 11. INTERMENT SPACES OR NICHES**13:44J-11.1 Inalienability of interment spaces**

Any interment space which has been used for interment or entombment shall be inalienable and shall only be transferred pursuant to N.J.S.A. 45:27-28.

Amended by R.1995 d.581, effective November 6, 1995.

See: 27 N.J.R. 3122(a), 27 N.J.R. 4437(a).

Repeal and New Rule, R.2000 d.487, effective December 4, 2000.

See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Section was "Use of cemetery land".

Amended by R.2006 d.203, effective June 5, 2006.

See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Substituted "interment space" for "grave, crypt or niche" and "N.J.S.A. 45:27-28" for "N.J.S.A. 8A:7-2".