

**CHAPTER 44J
CEMETERIES****Authority**

N.J.S.A. 45:27-4.

Source and Effective Date

R.2006 d.203, effective May 2, 2006.
See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

Chapter Expiration Date:

Chapter 44J, Cemeteries, expires on May 2, 2011.

Chapter Historical Note

Chapter 44J, Cemeteries, was originally codified in Title 3 as Chapter 41, Cemeteries. Chapter 41 was adopted by R.1980 d.449, effective October 16, 1980. See: 12 N.J.R. 380(a), 12 N.J.R. 628(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, was readopted as R.1985 d.573, effective October 16, 1985. See: 17 N.J.R. 1704(a), 17 N.J.R. 2749(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, was readopted as R.1990 d.537, effective October 11, 1990. See: 22 N.J.R. 2627(a), 22 N.J.R. 3363(a).

Subchapter 11, Location of Interment Spaces, was adopted as R.1993 d.632, effective December 6, 1993. See: 25 N.J.R. 623(a), 25 N.J.R. 5462(b).

Subchapter 13, Applications, was recodified from N.J.A.C. 3:40-6 by R.1994 d.579, effective November 21, 1994. See: 26 N.J.R. 3785(a), 26 N.J.R. 4597(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, Cemeteries, expired on October 11, 1995.

Chapter 41, Cemeteries, was adopted as new rules and recodified as N.J.A.C. 13:44J, and Subchapter 10, Interpretation and Construction, was repealed by R.1995 d.581, effective November 6, 1995. See: 27 N.J.R. 3122(a), 27 N.J.R. 4437(a).

Pursuant to Executive Order No. 66(1978), Chapter 44J, Cemeteries, was readopted as R.2000 d.487, effective November 6, 2000, and Subchapter 6, Interment Space Owner, Subchapter 7, Disinterments, Subchapter 8, Cremated Remains, and Subchapter 9, Salesmen, were recodified as Subchapter 7, Memorials, Subchapter 8, Disinterment, Subchapter 9, Cremains, and Subchapter 10, Salespeople, and Subchapter 15, Removal of Monumentation, was adopted as new rules by R.2000 d.487, effective December 4, 2000. See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).

Chapter 44J, Cemeteries, was readopted by R.2006 d.203, effective May 2, 2006. As a part of R.2006 d.203, effective June 5, 2006. Subchapter 11, Interment Spaces, was renamed Interment Spaces or Niches. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. APPLICABILITY**

- 13:44J-1.1 Non-applicability of chapter to religious corporations
- 13:44J-1.2 Application to directors, trustees, officers and employees

SUBCHAPTER 2. DEFINITIONS

- 13:44J-2.1 Definitions

SUBCHAPTER 3. FEE SCHEDULE

- 13:44J-3.1 Charges and fees

SUBCHAPTER 4. ORGANIZATIONAL STRUCTURE

- 13:44J-4.1 Organizational meetings
- 13:44J-4.2 through 13:44J-4.3 (Reserved)

SUBCHAPTER 5. CEMETERY COMPANIES

- 13:44J-5.1 Sale and installation of vaults
- 13:44J-5.2 Cemetery price list; future services; general maintenance charges
- 13:44J-5.3 Trust funds
- 13:44J-5.4 Trust fund management; recordkeeping
- 13:44J-5.5 Litigation involving a cemetery company
- 13:44J-5.6 Annual reports
- 13:44J-5.7 Reclamation of interment spaces or niches
- 13:44J-5.8 Restrictions on closings for interments

SUBCHAPTER 6. DOCUMENTS AND GROUNDS

- 13:44J-6.1 Regulations of a cemetery company
- 13:44J-6.2 Maps
- 13:44J-6.3 Paths
- 13:44J-6.4 Construction of a public mausoleum

SUBCHAPTER 7. MEMORIALS

- 13:44J-7.1 Memorials
- 13:44J-7.2 Removal of monumentation
- 13:44J-7.3 Burial of monumentation

SUBCHAPTER 8. DISINTERMENT

- 13:44J-8.1 Disinterment from a non-titled interment space or niche
- 13:44J-8.2 Additional interment; obtaining disinterment permit
- 13:44J-8.3 Recording disinterments
- 13:44J-8.4 Temporary storage prior to final entombment or interment within a single cemetery

SUBCHAPTER 9. CREMAINS

- 13:44J-9.1 Shipment

SUBCHAPTER 10. SALESPEOPLE

- 13:44J-10.1 Salesperson license
- 13:44J-10.2 Application for license as a cemetery salesperson
- 13:44J-10.3 Renewal of license
- 13:44J-10.4 Possession of license
- 13:44J-10.5 Branch licenses
- 13:44J-10.6 Jurisdiction; local licensing and bonding

SUBCHAPTER 11. INTERMENT SPACES OR NICHES

- 13:44J-11.1 Inalienability of interment spaces
- 13:44J-11.2 Transferability of interment space or niches
- 13:44J-11.3 Record of transfers

SUBCHAPTER 12. (RESERVED)**SUBCHAPTER 13. APPLICATIONS**

- 13:44J-13.1 Application for certificate of authority
- 13:44J-13.2 Application for dissolution of a cemetery company
- 13:44J-13.3 Merger or consolidation of cemetery companies
- 13:44J-13.4 Application for sale of cemetery lands
- 13:44J-13.5 Application for enlargement of cemetery area by purchase
- 13:44J-13.6 Application to lease or license cemetery lands
- 13:44J-13.7 through 13:44J-13.10 (Reserved)

SUBCHAPTER 14. SALES OF INTERMENT SPACES

- 13:44J-14.1 Applications for bulk sales of interment spaces or niches
- 13:44J-14.2 Sales to a membership or religious corporation or unincorporated association or society which provides interment spaces or niches solely for its members and their families
- 13:44J-14.3 through 13:44J-14.4 (Reserved)
- 13:44J-14.5 Sale of 17 or more interment spaces or niches to a person other than a membership or religious corporation or unincorporated association or society

APPENDIX A

APPENDIX B

SUBCHAPTER 15. REMOVAL OF MONUMENTATION

- 13:44J-15.1 Removal of unauthorized monumentation
- 13:44J-15.2 Removal of unsafe monumentation
- 13:44J-15.3 Removal of a memorial for renovation

SUBCHAPTER 1. APPLICABILITY

13:44J-1.1 Non-applicability of chapter to religious corporations

Unless otherwise noted, the provisions of the chapter do not apply to religious corporations incorporated pursuant to Title 16 of the New Jersey Statutes or religious societies or to cemeteries owned by religious corporations unless said religious corporation has been issued a Certificate of Authority by the Board.

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).

Added "incorporated pursuant to Title 16 of the New Jersey Statutes or religious societies" preceding "or to cemeteries".

13:44J-1.2 Application to directors, trustees, officers and employees

Unless the context otherwise requires, the provisions of this chapter are applicable to cemetery companies.

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

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

Deleted ", and their directors, trustees, officers and employees" following "companies".

SUBCHAPTER 2. DEFINITIONS

13:44J-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

"Act" means the New Jersey Cemetery Act, 2003, N.J.S.A. 45:27-1 et seq.

"Adornments" means items placed on an interment space or niche on a temporary basis by the owner of the interment space or niche or by the cemetery company.

"Annual, endowed or special care" means care or maintenance of an individual interment space provided for by agreement between the cemetery and the owner of the space.

"Avenue" means a public way, street or thoroughfare.

"Board" means the New Jersey Cemetery Board.

"Bulk sales" means the sale of 17 or more interment spaces or niches, in a single transaction or series of transactions, whenever made, to any one membership or religious corporation or unincorporated association or society which provides interment spaces or niches solely for its members and their families.

"Burial" means disposition of human remains by placing them in a grave or crypt, but does not include their temporary storage.

"Burial right" means a right for the burial of human remains in a particular grave or crypt created by contract between a person and a cemetery.

"Cemetery" means any land or place used or dedicated for use for burial of human remains or disposition of cremated human remains, and also includes a crematory located on dedicated cemetery property.

"Cemetery company" means a person that owns, manages, operates or controls a cemetery or crematory, directly or indirectly, but does not include a religious organization that owns a cemetery or crematory which restricts burials or cremations to members of that religion or their families unless the organization has obtained a certificate of authority for the cemetery or crematory.

"Columbarium" means a building or structure containing niches for placement of cremated human remains.

"Cremated human remains" or "cremains" mean the recoverable bone fragments and container residue resulting from the process of cremation.

"Cremation" means the process of reducing human remains to bone fragments through flame, heat and vaporization and shall constitute the final disposition.

"Crematory" means a structure containing cremation chambers used to cremate human remains.

"Crypt" means an interment space in a mausoleum or other structure, above or below ground, which does not include a niche.

"Embellishment" means an item contributing to beauty, comfort or enhancement of a cemetery, but does not include a

Recodified from N.J.A.C. 13:44J-15.4 and 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. Former N.J.A.C. 13:44J-5.5, Annual reports, recodified to N.J.A.C. 13:44J-5.6.

13:44J-5.6 Annual reports

(a) Each year, a cemetery company shall submit a check for all charges due the Board pursuant to N.J.A.C. 13:44J-3.1 and file a notarized annual report on a form provided by the Board with the Board. The report shall include:

1. The extent of, and sources of augmentation to, the Maintenance and Preservation Fund;
2. The designation of the income of the maintenance and preservation fund as operational expenses, retained income or both; and
3. A list of the securities, bonds, certificates of deposit or other instruments in which the corpus of the fund is invested.

(b) The cemetery company shall file the annual report required by this section no later than 120 days after the close of the cemetery company's fiscal year.

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).

Recodified from N.J.A.C. 13:44J-5.5 and amended by R.2000 d.487, effective December 4, 2000.

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

Rewrote (a). Former N.J.A.C. 13:44J-5.6, Rules and regulations of a cemetery company, recodified to N.J.A.C. 13:44J-6.1.

13:44J-5.7 Reclamation of interment spaces or niches

(a) A cemetery may reclaim an individual interment space or niche sold prior to December 1, 1971 if:

1. No interment has been made in the grave or crypt and no inurnment has been made in the niche;
2. No provision for annual, endowed or special care or maintenance has been made; and
3. No burial has been made for 30 years in the plot that includes the interment space.

(b) A cemetery that intends to reclaim an individual interment space or niche pursuant to (a) above shall, prior to reclaiming such interment space or niche:

1. Send a certified letter, return receipt requested, to the owner of the interment space or niche, or any heirs of the owner listed in the cemetery's records, at the address listed in the cemetery's records, which informs the owner or heirs that they may prevent the cemetery from reclaiming the interment space or niche by sending a written objection to the cemetery company within 30 days; and
2. Publish a notice in a newspaper if the cemetery company cannot locate the owner of the interment space or

niche, or any heirs of the owner listed in the cemetery's records, at the address listed in the cemetery's records. The newspaper's circulation shall include the county in which the interment space or niche is located. The notice shall indicate the owner and any heirs of the owner listed in the cemetery's records and contain the names of each deceased person buried in the plot that includes the interment space and the date of each burial, if these names and dates are ascertainable. The notice shall state that, in the absence of written objection received within 30 days from the publication of the notice, the vacant interment space or niche will be subject to sale.

(c) If the owner of the interment space or niche or the heirs of the owner fail to respond to the letter or notices sent pursuant to (b) above, the cemetery may sell the reclaimed interment space or niche no sooner than 30 days from the date of publication of the notice.

(d) The cemetery company shall deposit at least 75 percent of the gross proceeds received from the sale of the reclaimed interment space or niche in the Maintenance and Preservation Fund. Up to 25 percent of the gross proceeds of the sale of the reclaimed interment space or niche may be allocated by the cemetery to administrative costs, which shall include sales commission. The cemetery shall indicate these costs in its records, which shall be made available to the Board and the owner or the heirs of the owner upon request.

(e) A reclaimed interment space or niche shall be sold for the same price as other interment spaces or niches in the section in which the interment space or niche sold is located. If there are no interment spaces or niches available for sale in the section in which the reclaimed interment space or niche is located, the reclaimed interment space or niche shall be sold for the same price as interment spaces or niches in a comparable section of the cemetery.

(f) The original owner of a reclaimed interment space or niche or the heirs of the owner may request reimbursement from the cemetery for the reclaimed interment space or niche at any time. The cemetery shall reimburse the owner or the heirs of the owner the net proceeds from the sale deposited in the Maintenance and Preservation Fund pursuant to (d) above. Payment shall be made from the operating revenues of the cemetery.

(g) A cemetery that has reimbursed, from operating revenues, an owner or the heirs of the owner of a reclaimed interment space or niche may apply to the Board for a credit against future deposits to the Maintenance and Preservation Fund. A cemetery that applies for a credit against future deposits shall submit a written request to the Board which shall include documentation that indicates:

1. The amount for which the interment space or niche was sold;

2. That the net proceeds of the sale of the interment space or niche were deposited in the Maintenance and Preservation Fund, and the date of the deposit;

3. The location of the interment space or niche and the identity of the original owner; and

4. That payment was made to the owner or heirs of the owner of the reclaimed interment space or niche.

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).

Section was "Reclamation of interment spaces". Substituted "interment space or niche" for "grave" throughout; rewrote the introductory paragraph of (a); inserted "or crypt and no inurnment has been made in the niche" in (a)1; substituted "annual, endowed or special" for "perpetual or endowed" in (a)2; rewrote (a)3, (b)1 and (b)2 and deleted (b)3; in (e), substituted "interment spaces or niches" for "graves" two times and "interment space or niche" for "space" once.

13:44J-5.8 Restrictions on closings for interments

In order to ensure continued interments and cremations, no cemetery company shall be closed for more than three consecutive days for the purposes of making interments and conducting cremations except for strikes, acts of God or by direction of a competent authority, for example, a court of competent jurisdiction, the Board, the Department of Health and Senior Services or a local department of health.

Recodified from N.J.A.C. 13:44J-6.2 and amended by R.2000 d.487, effective December 4, 2000.

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

Substituted a reference to cemetery companies for a reference to cemeteries, and added a reference to local departments of health.

SUBCHAPTER 6. DOCUMENTS AND GROUNDS

13:44J-6.1 Regulations of a cemetery company

A cemetery company shall file with the Board a copy of its regulations. A cemetery company may amend or supplement its regulations by filing with the Board such amendments or supplements. This filing shall be accompanied by a filing fee payable to the Board, in accordance with N.J.A.C. 13:44J-3.1(a)1iii. Regulations and amendments to regulations shall not be effective until filed with the Board.

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).

Recodified from N.J.A.C.13:44J-5.6 and 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).

Section was "Rules and regulations of a cemetery company". Deleted "rules and" preceding "regulations" in the first and second sentences, substituted "13:44J-3.1(a)1iii" for "13:44J-3.1(a)1iv" in the third sentence and added the last sentence.

13:44J-6.2 Maps

(a) Every cemetery company shall maintain a map of the cemetery readily available for inspection at its main office. Any change in the physical layout of the cemetery shall be reflected annually on the map. The map shall show the location of interment spaces or niches with roadways, paths and building areas.

(b) A cemetery company may amend a map to include areas not previously laid out or to change the layout of plots not sold. Existing roadways and walks to graves already sold shall not be abandoned but may be altered as long as similar access to existing interment spaces and niches is not denied. Paths may be renovated or reduced in size as long as the path conforms to N.J.A.C. 13:44J-6.3(a). The amended map shall not be effective until it has been filed with the Board.

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).

Inserted the (a) designation and added the last sentence of (a); and added (b).

13:44J-6.3 Paths

(a) Paths to interment spaces or niches shall be a minimum of 30 inches wide.

(b) When a cemetery company resurveys, alters, changes or modifies a portion of its grounds which have been previously laid out on a map or maps into interment spaces or niches, the cemetery company shall ensure that paths to previously sold interment spaces or niches are maintained.

(c) This section shall not apply to the laying out of portions of ground in areas of cemetery property which have not previously been laid out on a map or maps into paths or interment spaces or niches.

(d) An unsold interment space which is plotted in a manner that does not conform with this subchapter shall not be sold or used for interment purposes.

(e) If a sold interment space, in which no interment has been made, is plotted in a manner which makes a path non-conforming, the cemetery company shall exercise due diligence and negotiate in good faith with the lot owner for the transfer or exchange of the lot owner's non-conforming space with other space that conforms with this provision. After the transfer or exchange, the non-conforming plot shall be replotted or eliminated. The transfer or exchange of the non-conforming plot shall be provided at no expense to the lot owner beyond what the lot owner agreed to pay for the non-conforming plot.

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).

Inserted "or niches" following "spaces" one time in (a) and (c) and two times in (b).

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).

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; and
8. A completed child support questionnaire.

(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.

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.

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".

13:44J-11.2 Transferability of interment space or niches

Owners or heirs, devisees and legatees of owners of unused interment spaces or niches may grant, convey, sell or donate such interment spaces or niches.

Recodified from N.J.A.C. 13:44J-6.3 and amended by R.2000 d.487, effective December 4, 2000.
See: 32 N.J.R. 3261(a), 32 N.J.R. 4265(a).
Former N.J.A.C. 13:44J-11.2, Applicability to existing sales and interments, repealed.
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 "Transferability of interment space". Substituted "interment spaces or niches" for "graves or crypts" two times.

13:44J-11.3 Record of transfers

(a) Every cemetery company shall maintain records of transfers of ownership of interment spaces or niches which shall include:

1. The name of every individual who has ever held title to the interment space or niche; and
2. An indication of any transfer of ownership of the interment space or niche from June 5, 2006.

(b) Records of transfers shall be indexed by:

1. The number of the interment space or niche; and
2. The name of each owner.

New Rule, R.2006 d.203, effective June 5, 2006.
See: 37 N.J.R. 4877(a), 38 N.J.R. 2502(a).

SUBCHAPTER 12. (RESERVED)