

2A: 102-13 to 17
2A: 102-13 to 17
LEGISLATIVE FACT SHEET

N.J.R.S. 2A:102-13 to 17

on Burial expenses -- advance payments to
be put in trust.

(Amendment)

LAWS OF 1957

CHAPTER 182 Aug. 15, 1957

SENATE BILL

ASSEMBLY BILL 395

INTRODUCED March 18, 1957

BY Lebeda

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING None discovered

VETO

DEPOSITORY COPY
Do Not Remove From Library

JA/PC
11/7/75

ASSEMBLY, No. 395

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1957

By Assemblyman LEBEDA

Referred to Committee on Business Affairs

AN ACT to control the handling of moneys paid in connection with agreements for funeral goods or services in advance of need, and making violations thereof misdemeanors.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Any and all moneys paid to a funeral director, undertaker, cemetery,
2 or any other person, firm or corporation, under or in connection with an
3 agreement for the sale of personal property to be used in connection with a
4 funeral or burial, or for the furnishing of personal services of a funeral di-
5 rector or undertaker, wherein the personal property is not to be delivered
6 or the personal services are not to be rendered until the occurrence of the
7 death of the person for whose funeral or burial such property or services
8 are to be furnished shall be trust funds in the possession of such funeral
9 director, undertaker, cemetery, or other person, firm or corporation, and
10 shall be deposited by him or it within 30 days after receipt thereof, in a
11 special account maintained exclusively for the deposit of such moneys in a
12 banking institution as defined in the Banking Act of 1948, and shall be so
13 held on deposit, together with any interest thereon, until said personal prop-
14 erty has been delivered and said personal services have been rendered, unless
15 sooner repaid, in whole or in part.

1 2. The amount of any and all moneys paid under or in connection with
2 such an agreement, together with interest, if any, accrued thereon while on
3 deposit as so required shall be repaid on demand at any time prior to the
4 delivery of the personal property or the rendering of the personal services.

1 3. Any provision of any such agreement whereby a person who pays
2 money under or in connection therewith waives any provision of this act
3 shall be void.

1 4. Any person, firm or corporation who or which, having received any
2 moneys under or in connection with such an agreement, shall fail to deposit
3 or keep on deposit or to repay any and all such moneys as provided in this
4 act, shall be guilty of a misdemeanor.

1 5. This act shall not apply to the sale of lots or graves by a cemetery.

1 6. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENT TO

ASSEMBLY, No. 395

STATE OF NEW JERSEY

ADOPTED APRIL 22, 1957

Amend page 1, section 1, line 15, after the period, add the following: "No banking institution shall be liable for the misuse, misapplication or improper withdrawal by any such funeral director, undertaker, cemetery or other person, firm or corporation, of any moneys deposited in such banking institution pursuant to this act."

ASSEMBLY, No. 395

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1957

By Assemblyman LEBEDA

Referred to Committee on Business Affairs

AN ACT to control the handling of moneys paid in connection with agreements for funeral goods or services in advance of need, and making violations thereof misdemeanors.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Any and all moneys paid to a funeral director, undertaker, cemetery,
2 or any other person, firm or corporation, under or in connection with an
3 agreement for the sale of personal property to be used in connection with a
4 funeral or burial, or for the furnishing of personal services of a funeral di-
5 rector or undertaker, wherein the personal property is not to be delivered
6 or the personal services are not to be rendered until the occurrence of the
7 death of the person for whose funeral or burial such property or services
8 are to be furnished shall be trust funds in the possession of such funeral
9 director, undertaker, cemetery, or other person, firm or corporation, and
10 shall be deposited by him or it within 30 days after receipt thereof, in a
11 special account maintained exclusively for the deposit of such moneys in a
12 banking institution as defined in the Banking Act of 1948, and shall be so
13 held on deposit, together with any interest thereon, until said personal prop-
14 erty has been delivered and said personal services have been rendered, unless
15 sooner repaid, in whole or in part. *No banking institution shall be liable for*

16 *the misuse, misapplication or improper withdrawal by any such funeral di-*
17 *rector, undertaker, cemetery or other person, firm or corporation, of any*
18 *moneys deposited in such banking institution pursuant to this act.*

1 2. The amount of any and all moneys paid under or in connection with
2 such an agreement, together with interest, if any, accrued thereon while on
3 deposit as so required shall be repaid on demand at any time prior to the
4 delivery of the personal property or the rendering of the personal services.

1 3. Any provision of any such agreement whereby a person who pays
2 money under or in connection therewith waives any provision of this act
3 shall be void.

1 4. Any person, firm or corporation who or which, having received any
2 moneys under or in connection with such an agreement, shall fail to deposit
3 or keep on deposit or to repay any and all such moneys as provided in this
4 act, shall be guilty of a misdemeanor.

1 5. This act shall not apply to the sale of lots or graves by a cemetery.

1 6. This act shall take effect immediately.