

**NEW JERSEY REGISTER
VOLUME 39, ISSUE 18
ISSUE DATE: SEPTEMBER 17, 2007
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY CEMETERY BOARD**

39 N.J.R. 3944(a)

Adopted Amendments: N.J.A.C. 13:44J-5.6 and 10.2

Adopted New Rule: N.J.A.C. 13:44J-10.7

Annual Reports; Application for License as a Cemetery Salesperson; Prohibited Activities

Proposed: October 2, 2006 at 38 N.J.R. 4169(a)

Adopted: April 12, 2007 by the New Jersey Cemetery Board, Marion Brozowski, President.

Filed: August 14, 2007 as R.2007 d.289, with a technical change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Date: September 17, 2007.

Expiration Date: May 2, 2011.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments or new rule.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions from the proposal indicated in brackets with asterisks *[thus]*):

13:44J-5.6 Annual reports

(a)-(b) (No change.)

(c) Except as provided in (d) below, a cemetery company may request that the Board waive the filing fee required by N.J.A.C. 13:44J-3.1(a)3. A request for waiver shall be included with the report filed pursuant to (a) above. The Board shall grant the waiver if it determines that the annual report indicates that the cemetery company requesting the waiver does not have sufficient income from the Maintenance and Preservation Fund and from any other sources to cover the costs of maintaining the cemetery and paying the fee. If the Board determines that the fee should not be waived, it shall inform the cemetery company that the fee has not been waived and the cemetery company shall pay the fee within 60 days of receiving notification.

(d) Any cemetery company whose income from the maintenance and preservation fund, as indicated in the annual report filed pursuant to (a) above, is \$ 1,000 or less shall not be required to pay the filing fee required by N.J.A.C. 13:44J-3.1(a)3 and shall not be required to request a waiver pursuant to (c) above.

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.-6. (No change.)

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. *[4:27-16(c)]* *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)-(e) (No change.)

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.