

12102424D

HOUSE BILL NO. 316

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact §§ 15.2-2241, 15.2-2261, 36-99, and 54.1-2310 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 15.2-2288.5 and 15.2-2307.2, relating to cemeteries.

Patron—Ingram

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2241, 15.2-2261, 36-99, and 54.1-2310 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-2288.5 and 15.2-2307.2 as follows:

§ 15.2-2241. Mandatory provisions of a subdivision ordinance.

A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.);

2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;

3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;

4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

5. (Effective until July 1, 2014) For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or

INTRODUCED

HB316

59 letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within
60 said section for public use and maintained by the locality, the Commonwealth, or other public agency,
61 the developer shall have the right to record the remaining sections shown on the preliminary subdivision
62 plat for a period of five years from the recordation date of any section, or for such longer period as the
63 local commission or other agent may, at the approval, determine to be reasonable, taking into
64 consideration the size and phasing of the proposed development, subject to the terms and conditions of
65 this subsection and subject to engineering and construction standards and zoning requirements in effect
66 at the time that each remaining section is recorded. *Notwithstanding any time period limitations set forth*
67 *in other provisions of this chapter, if a property owner records a final plat which may be for a section*
68 *of a cemetery, the owner shall continue to have the right to record the remaining sections shown on the*
69 *preliminary subdivision plat for use as a cemetery, so long as any portion of the property subject to the*
70 *subdivision plat has been developed or used as a cemetery consistent with or pursuant to a recorded*
71 *plat.* In the event a governing body of a county, wherein the highway system is maintained by the
72 Department of Transportation, has accepted the dedication of a road for public use and such road due to
73 factors other than its quality of construction is not acceptable into the secondary system of state
74 highways, then such governing body may, if so provided by its subdivision ordinance, require the
75 subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety
76 satisfactory to the governing body or its designated administrative agency, in an amount sufficient for
77 and conditioned upon the maintenance of such road until such time as it is accepted into the secondary
78 system of state highways. In lieu of such bond, the governing body or its designated administrative
79 agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory
80 to the governing body or its designated administrative agency as to the bank or savings institution, the
81 amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned
82 upon the maintenance of such road until such time as it is accepted into the secondary system of state
83 highways and assume the subdivider's or developer's liability for maintenance of such road.
84 "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter,
85 drainage facilities, utilities or other street improvements, including the correction of defects or damages
86 and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

87 As used in this section, "designated administrative agency" means the planning commission of the
88 locality or an agent designated by the governing body of the locality for such purpose as set forth in
89 §§ 15.2-2258 through 15.2-2261;

90 5. (Effective July 1, 2014) For the acceptance of dedication for public use of any right-of-way
91 located within any subdivision or section thereof, which has constructed or proposed to be constructed
92 within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or
93 sewerage system, waterline as part of a public system or other improvement dedicated for public use,
94 and maintained by the locality, the Commonwealth, or other public agency, and for the provision of
95 other site-related improvements required by local ordinances for vehicular ingress and egress, including
96 traffic signalization and control, for public access streets, for structures necessary to ensure stability of
97 critical slopes, and for storm water management facilities, financed or to be financed in whole or in part
98 by private funds only if the owner or developer (i) certifies to the governing body that the construction
99 costs have been paid to the person constructing such facilities or, at the option of the local governing
100 body, presents evidence satisfactory to the governing body that the time for recordation of any
101 mechanics lien has expired or evidence that any debt for said construction that may be due and owing is
102 contested and further provides indemnity with adequate surety in an amount deemed sufficient by the
103 governing body or its designated administrative agency; (ii) furnishes to the governing body a certified
104 check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or
105 property bond, with surety satisfactory to the governing body or its designated administrative agency, in
106 an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the
107 construction of such facilities and the contractor's bond, with like surety, in like amount and so
108 conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on
109 certain designated funds satisfactory to the governing body or its designated administrative agency as to
110 the bank or savings institution, the amount and the form. The amount of such certified check, cash
111 escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on
112 unit prices for new public or private sector construction in the locality and a reasonable allowance for
113 estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall
114 not exceed 25 percent of the estimated construction costs. "Such facilities," as used in this section,
115 means those facilities specifically provided for in this section.

116 If a developer records a final plat which may be a section of a subdivision as shown on an approved
117 preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or
118 letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within
119 said section for public use and maintained by the locality, the Commonwealth, or other public agency,
120 the developer shall have the right to record the remaining sections shown on the preliminary subdivision

plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. *Notwithstanding any time period limitations set forth in other provisions of this chapter, if a property owner records a final plat which may be for a section of a cemetery, the owner shall continue to have the right to record the remaining sections shown on the preliminary subdivision plat for use as a cemetery, so long as any portion of the property subject to the subdivision plat has been developed or used as a cemetery consistent with or pursuant to a recorded plat.* In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ 15.2-2258 through 15.2-2261;

6. For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the local planning commission or agent designated by the governing body to review and act on submitted subdivision plats shall not be responsible to enforce the requirements of this subdivision;

7. For monuments of specific types to be installed establishing street and property lines;

8. That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the governing body or its designated administrative agency, or where the developer has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater;

9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of

182 § 15.2-2244; and

183 11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other
184 performance guarantee required by the governing body under this section in accordance with the
185 provisions of § 15.2-2245.

186 B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other
187 performance guarantee furnished pursuant to this chapter apply to, or include the cost of, any facility or
188 improvement unless such facility or improvement is shown or described on the approved plat or plan of
189 the project for which such guarantee is being furnished. Furthermore, the terms, conditions, and
190 specifications contained in any agreement, contract, performance agreement, or similar document,
191 however described or delineated, between a locality or its governing body and an owner or developer of
192 property entered into pursuant to this chapter in conjunction with any performance guarantee, as
193 described in this subsection, shall be limited to those items depicted or provided for in the approved
194 plan, plat, permit application, or similar document for which such performance guarantee is applicable.

195 § 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.

196 A. An approved final subdivision plat which has been recorded or an approved final site plan,
197 hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than
198 five years from the date of approval thereof or for such longer period as the local planning commission
199 or other agent may, at the time of approval, determine to be reasonable, taking into consideration the
200 size and phasing of the proposed development. *An approved final site plan for any cemetery shall*
201 *remain valid for a period of not less than 15 years from the date of approval thereof or for such longer*
202 *period as the local planning commission or other agent may, at the time of the approval, determine to*
203 *be reasonable, taking into consideration the site and phasing of the proposed development.* A site plan
204 shall be deemed final once it has been reviewed and approved by the locality if the only requirement
205 remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows.

206 B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or
207 final site plan, the local planning commission or other agent may grant one or more extensions of such
208 approval for additional periods as the commission or other agent may, at the time the extension is
209 granted, determine to be reasonable, taking into consideration the size and phasing of the proposed
210 development, the laws, ordinances and regulations in effect at the time of the request for an extension.

211 2. If the commission or other agent denies an extension requested as provided herein and the
212 subdivider or developer contends that such denial was not properly based on the ordinance applicable
213 thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may
214 appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan,
215 provided that such appeal is filed with the circuit court within sixty days of the written denial by the
216 commission or other agency.

217 C. For so long as the final site plan remains valid in accordance with the provisions of this section,
218 or in the case of a recorded plat for five years after approval, no change or amendment to any local
219 ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of
220 the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his
221 successor in interest to commence and complete an approved development in accordance with the lawful
222 terms of the recorded plat or site plan unless the change or amendment is required to comply with state
223 law or there has been a mistake, fraud or a change in circumstances substantially affecting the public
224 health, safety or welfare. *A site plan for any cemetery use, including but not limited to interment and*
225 *associated soil storage, shall remain valid so long as any portion of the property subject to the site plan*
226 *has been developed or used as a cemetery consistent with or pursuant to a recorded plat or final site*
227 *plan.*

228 D. Application for minor modifications to recorded plats or final site plans made during the periods
229 of validity of such plats or plans established in accordance with this section shall not constitute a waiver
230 of the provisions hereof nor shall the approval of minor modifications extend the period of validity of
231 such plats or plans.

232 E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on
233 or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation
234 concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited
235 and thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of
236 any special use permit, conditional use permit or special exception; (iii) the application to individual lots
237 on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the
238 provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 10.1-2100
239 et seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site
240 plans of the provisions of any local ordinance adopted to comply with the requirements of the federal
241 Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder
242 by the Environmental Protection Agency.

243 F. An approved final subdivision plat that has been recorded, from which any part of the property

subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in §§ 15.2-2270 through 15.2-2278.

§ 15.2-2288.5. *Meaning of "cemetery" for purposes of zoning.*

A "cemetery" shall be deemed for purposes of zoning and state law to consist of all forms of interment and all uses necessary and customarily associated with interment. As used herein "cemetery" shall have the meaning set forth in § 54.1-2310.

§ 15.2-2307.2. *Vesting of land for cemetery use.*

Any land owner, having been the beneficiary of any significant affirmative governmental act approving use of the land as a cemetery, shall be vested in such cemetery use upon recordation in the office of the clerk of the circuit court for the locality in which the land is located, of a declaration restricting the use of the land to use as a cemetery.

§ 36-99. Provisions of Code; modifications.

A. The Building Code shall prescribe building regulations to be complied with in the construction and rehabilitation of buildings and structures, and the equipment therein as defined in § 36-97, and shall prescribe regulations to ensure that such buildings and structures are properly maintained, and shall also prescribe procedures for the administration and enforcement of such regulations, including procedures to be used by the local building department in the evaluation and granting of modifications for any provision of the Building Code, provided the spirit and functional intent of the Building Code are observed and public health, welfare and safety are assured. The provisions of the Building Code and modifications thereof shall be such as to protect the health, safety and welfare of the residents of the Commonwealth, provided that buildings and structures should be permitted to be constructed, rehabilitated and maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provisions necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged. Such regulations shall be reasonable and appropriate to the objectives of this chapter.

B. In formulating the Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations, including, but not limited to, the standards of the International Code Council and the National Fire Protection Association. Notwithstanding the provisions of this section, farm buildings and structures shall be exempt from the provisions of the Building Code, except for a building or a portion of a building located on a farm that is operated as a restaurant as defined in § 35.1-1 and licensed as such by the Board of Health pursuant to Chapter 2 (§ 35.1-11 et seq.) of Title 35.1. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable. *All structures located within a cemetery as defined in § 54.1-2310 shall be exempt from the provisions of the building code or any other applicable code utilized by localities provided such structures are not designed or intended for occupancy by living persons.*

C. Where practical, the Code provisions shall be stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. When generally recognized standards of performance are not available, such provisions shall provide for acceptance of materials and methods whose performance has been found by the local building department, on the basis of reliable test and evaluation data, presented by the proponent, to be substantially equal in safety to those specified.

D. The Board, upon a finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, may conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations. Any amendments to regulations adopted pursuant to this subsection shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

§ 54.1-2310. Definitions.

305 As used in this chapter, unless the context requires a different meaning:

306 "Advertisement" means any information disseminated or placed before the public.

307 "At-need" means at the time of death or while death is imminent.

308 "Board" means the Cemetery Board.

309 "Cemetery" means any land or structure used or intended to be used for the interment of human
310 remains *and shall include all uses necessarily or customarily associated with interment of human*
311 *remains, including but not limited to mausoleums, benches, ledges, walls, columbaria, graves, roads,*
312 *paths, landscaping, soil storage, grading, maintenance and storage areas, chapels, and administrative*
313 *offices.* The sprinkling of ashes or their burial in a biodegradable container on church grounds or their
314 placement in a columbarium on church property shall not constitute the creation of a cemetery.

315 "Cemetery company" means any person engaged in the business of (i) selling or offering for sale any
316 grave or entombment right in a cemetery and representing to the public that the entire cemetery, a single
317 grave, or entombment right therein will be perpetually cared for; (ii) selling property or services, vaults,
318 grave liners, urns, memorials, markers, and monuments used in connection with interring or disposing of
319 the remains or commemorating the memory of a deceased human being, where delivery of the property
320 or performance of the service may be delayed more than 120 days after receipt of the initial payment on
321 account of such sale; or (iii) maintaining a facility used for the interment or disposal of the remains and
322 required to maintain perpetual care or preneed trust funds in accordance with this chapter. Such property
323 or services include but are not limited to burial vaults, mausoleum crypts, garden crypts, lawn crypts,
324 memorials, and marker bases, but shall not include graves or incidental additions such as dates, scrolls,
325 or other supplementary matter representing not more than ten percent of the total contract price.

326 "Compliance agent" means a natural person who owns or is employed by a cemetery company to
327 assure the compliance of the cemetery company with the provisions of this chapter.

328 "Cost requirement" means the total cost to the seller of the property or services subject to the deposit
329 requirements of § 54.1-2325 required by that seller's total contracts.

330 "Department" means the Department of Professional and Occupational Regulation.

331 "Garden crypt" means a burial receptacle, usually constructed of reinforced concrete, installed in
332 quantity on gravel or tile underlay. Each crypt becomes an integral part of a given garden area and is
333 considered real property.

334 "General funds" means the sum total of specific funds put together in a single fund.

335 "Grave" means a below-ground right of interment.

336 "In-person communication" means face-to-face communication and telephonic communication.

337 "Interment" means all forms of final disposal of human remains including, but not limited to, earth
338 burial, mausoleum entombment and niche or columbarium inurnment. The sprinkling of ashes on church
339 grounds shall not constitute interment.

340 "Lawn crypt" means a burial vault with some minor modifications for the improvement of drainage
341 in and around the receptacle and is considered personal property.

342 "Licensee" means any person holding a valid license issued by the Board.

343 "Marker base" means the visible part of the marker or monument upon which the marker or
344 monument rests and is considered personal property.

345 "Mausoleum crypt" means a burial receptacle usually constructed of reinforced concrete and usually
346 constructed or assembled above the ground and is considered real property.

347 "Memorials, markers or monuments" means the object used to identify the deceased and is
348 considered personal property.

349 "Perpetual care trust fund" means a fund created to provide income to a cemetery to provide care,
350 maintenance, administration and embellishment of the cemetery.

351 "Preneed" means at any time other than either at the time of death or while death is imminent.

352 "Preneed burial contract" means a contract for the sale of property or services used in connection
353 with interring or disposing of the remains or commemorating the memory of a deceased human being,
354 where delivery of the property or performance of the service may be delayed for more than 120 days
355 after the receipt of initial payment on account of such sale. Such property includes but is not limited to
356 burial vaults, mausoleum crypts, garden crypts, lawn crypts, memorials, and marker bases, but shall not
357 include graves or incidental additions such as dates, scrolls, or other supplementary matter representing
358 not more than ten percent of the total contract price.

359 "Resale" means the sale of an interment right in a cemetery governed by this chapter to a person
360 other than the cemetery company owning the cemetery in which the right exists by a person other than
361 that cemetery company or its authorized agent. The term "resale" shall not be construed to include the
362 transfer of interment rights upon the death of the owner.

363 "Retail sales price" means the standard, nondiscounted price as listed on the general price list
364 required by § 54.1-2327.

365 "Seller" means the cemetery company.

366 "Seller's trust account" means the total specific trust funds deposited from all of a specific seller's

367 contracts, plus income on such funds allotted to that seller.

368 "Solicitation" means initiating contact with consumers with the intent of influencing their selection of
369 a cemetery.

370 "Specific trust funds" means funds identified to a certain contract for personal property or services.