

2022 SESSION

INTRODUCED

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SENATE BILL NO. 183

Offered January 12, 2022

Prefiled January 10, 2022

A *BILL to amend and reenact § 54.1-2313.1 of the Code of Virginia, relating to Cemetery Board; appointment of receiver upon revocation or surrender of license to operate cemetery in Virginia.*

Patron—Ruff

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2313.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2313.1. Protection of preneed burial and perpetual care trust funds; operation of cemetery company; appointment of receiver.

No licensee or any agent of the licensee shall divert or misuse any funds held in trust or otherwise held by him for another. If preneed or perpetual care funds are held in trust and the Board or its agents have reason to believe that (i) the licensee is not able to adequately protect the interest of the person involved; (ii) the licensee has had his license suspended, revoked, or surrendered; or (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public, the Board may file a petition with any court of record having equity jurisdiction over the licensee or any of the funds held by him stating the facts upon which it relies and the relief requested. The court may temporarily enjoin further activity by the licensee and take such further action as shall be necessary to ensure that the cemetery company is operated in full compliance with this chapter and the Board's regulations, or to conserve, protect, and disburse the funds involved, or both, including the appointment of a receiver to operate the cemetery company. *If such license is revoked or surrendered, then the court shall appoint a receiver to operate the cemetery company, and the Board shall file a petition for appointment of a receiver to operate the cemetery company. The expenses or fees of the receiver shall be paid from the assets of the cemetery company as determined by the court.* The Board shall not be liable for any expenses or fees of the receiver.

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