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SENATE BILL NO. 183

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 19, 2022)

(Patron Prior to Substitute—Senator Ruff)

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.

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~~ *and* (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public, the Board ~~may~~ *shall* 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~~. *If a receiver is appointed, the expenses of such receivership and a reasonable fee, as determined by the court, shall be paid from the assets of the cemetery company.* The Board shall not be liable for any expenses or fees of the receiver.