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**SUBSTITUTE HOUSE BILL 2874**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell)

Read first time 02/07/92.

1 AN ACT Relating to funeral expenses of a deceased person; amending  
2 RCW 68.50.160 and 74.08.120; and adding a new section to chapter 74.08  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 68.50.160 and 1943 c 247 s 29 are each amended to read  
6 as follows:

7 The right to control the disposition of the remains of a deceased  
8 person, unless other directions have been given by the decedent, vests  
9 in, and the duty of (~~interment~~) disposition and the liability for the  
10 reasonable cost of (~~interment~~) preparation, care, and disposition of  
11 such remains devolves upon the following in the order named:

- 12 (1) The surviving spouse.
- 13 (2) The surviving children of the decedent.
- 14 (3) The surviving parents of the decedent.

1       The liability for the reasonable cost of (~~interment~~) preparation,  
2 care, and disposition devolves jointly and severally upon all kin of  
3 the decedent hereinbefore mentioned in the same degree of kindred and  
4 upon the estate of the decedent.

5       **Sec. 2.** RCW 74.08.120 and 1987 c 75 s 39 are each amended to read  
6 as follows:

7       The term "funeral" shall mean the mortuary services needed for the  
8 proper preparation, (~~transportation within the local service area~~  
9 defined by the department,) preservation, and care of the remains of  
10 a deceased person with needed facilities and appropriate memorial  
11 services. "Burial" includes necessary costs of a lot or cremation and  
12 disposition site, and all services related to interment and the  
13 (~~customary~~) minimal memorial marking of a grave.

14       The department is hereby authorized to assume responsibility for  
15 payment for the funeral and (~~burial~~) disposition of deceased persons  
16 dying without assets sufficient to pay for the minimum standard  
17 (~~funeral~~) services herein provided: PROVIDED, HOWEVER, That the  
18 secretary may furnish funeral assistance for deceased recipients if  
19 they leave assets to a surviving spouse and/or to minor children and if  
20 the assets are resources permitted to be owned by or available to an  
21 eligible applicant or recipient under RCW 74.04.005, and the department  
22 shall thereby have a lien against said assets as provided in RCW  
23 43.20B.120. If the deceased person is survived by a spouse (~~or is a~~  
24 ~~minor child survived by his~~), parent or parents, or children, the  
25 department may take into consideration the assets of such surviving  
26 spouse, parent, (~~or~~) parents, or children in determining whether or  
27 not the department will assume responsibility for the funeral or burial  
28 costs.

1       The department shall not pay more than cost for ((a)) minimum  
2 standard services rendered by each vendor. Payments to the funeral  
3 director and to the cemetery or crematorium will be made by separate  
4 vouchers. The standard of such services and the uniform amounts to be  
5 paid shall be determined by the department after giving due  
6 consideration to such advice and counsel as it shall obtain from the  
7 trade associations of the various vendors and related state  
8 departments, agencies, and commissions. Payment made for any funeral  
9 or ((burial)) disposition service by relatives, friends, or any other  
10 third party above a donation level established by the department for  
11 such items as flowers, ministerial services, or music shall be  
12 subtracted from the payment made by the department.

13       NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08 RCW  
14 to read as follows:

15       In addition to the authority under RCW 74.08.120 to assume  
16 responsibility for payment of the funeral and disposition of deceased  
17 persons, the department is authorized to assume responsibility for  
18 payment for the transportation of deceased persons. Payment made for  
19 transportation by relatives, friends, or any other third party above a  
20 donation level established by the department shall be subtracted from  
21 the payment made by the department. For the purposes of this section,  
22 "transportation" shall mean transport of a body from place of death to  
23 mortuary and transportation to place of disposition, within the service  
24 area defined by the department.