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HOUSE BILL 2874

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell

Read first time 01/31/92. Referred to Committee on Human Services.

1 AN ACT Relating to funeral expenses of a deceased person; and  
2 amending RCW 68.50.160 and 74.08.120.

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

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

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

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

1       The liability for the reasonable cost of preparation, care, and  
2 interment devolves jointly and severally upon all kin of the decedent  
3 hereinbefore mentioned in the same degree of kindred and upon the  
4 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. "Transportation" shall mean transport of a body from place  
12 of death to mortuary and transportation to place of disposition, within  
13 the service area defined by the department. "Burial" includes  
14 necessary costs of a lot or cremation and disposition site, and all  
15 services related to interment and the (~~(customary)~~) minimal memorial  
16 marking of a grave.

17       The department is hereby authorized to assume responsibility for  
18 payment for the funeral, transportation, and burial of deceased persons  
19 dying without assets sufficient to pay for the minimum standard  
20 (~~((funeral))~~) services herein provided: PROVIDED, HOWEVER, That the  
21 secretary may furnish funeral assistance for deceased recipients if  
22 they leave assets to a surviving spouse and/or to minor children and if  
23 the assets are resources permitted to be owned by or available to an  
24 eligible applicant or recipient under RCW 74.04.005, and the department  
25 shall thereby have a lien against said assets as provided in RCW  
26 43.20B.120. If the deceased person is survived by a spouse (~~((or is a~~  
27 ~~minor child survived by his))~~), parent or parents, or children, the  
28 department may take into consideration the assets of such surviving  
29 spouse, parent, (~~((or))~~) parents, or children in determining whether or

1 not the department will assume responsibility for the funeral,  
2 transportation, or burial costs.

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