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SENATE BILL 5759

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State of Washington

52nd Legislature

1991 Regular Session

By Senator Rasmussen.

Read first time February 19, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to regulation of funeral directors, embalmers, and  
2 crematories; amending RCW 18.39.290 and 68.50.180; and adding a new  
3 section to chapter 18.39 RCW.

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

5 **Sec. 1.** RCW 18.39.290 and 1986 c 259 s 69 are each amended to read  
6 as follows:

7 All certificates of registration issued pursuant to this chapter  
8 shall continue in force until the expiration date unless suspended or  
9 revoked. A certificate shall be subject to renewal annually ninety  
10 days after the end of its fiscal year, as stated on the original  
11 application, by the funeral establishment and payment of the required  
12 fees.

13 The director shall determine and collect fees related to  
14 certificate of registration licensure.

1 All fees so collected shall be remitted by the director to the  
2 state treasurer not later than the first business day following receipt  
3 of such funds and the funds shall be credited to the ((health  
4 professions)) funeral directors and embalmers account.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.39 RCW  
6 to read as follows:

7 The funeral directors and embalmers account is created in the  
8 custody of the state treasurer. All fees received by the department  
9 for licenses, registrations, renewals, examinations, and audits shall  
10 be forwarded to the state treasurer who shall credit the money to the  
11 account. All fines and civil penalties ordered by the superior court  
12 or fines ordered pursuant to RCW 18.130.160(8) against holders of  
13 licenses or registrations issued under the provisions of this chapter  
14 shall be paid to the account. All expenses incurred in carrying out  
15 the licensing and registration activities of the department and the  
16 state funeral directors and embalmers board under this chapter shall be  
17 paid from the account as authorized by legislative appropriation. Any  
18 residue in the account shall be accumulated and shall not revert to the  
19 general fund at the end of the biennium. All earnings of investments  
20 of balances in the account shall be credited to the general fund.

21 **Sec. 3.** RCW 68.50.180 and 1979 c 21 s 14 are each amended to read  
22 as follows:

23 The cemetery authority may inter or cremate any remains upon the  
24 receipt of a written authorization of a person representing himself to  
25 be a person who has acquired the right to control the disposition of  
26 the remains. A cemetery authority is not liable for interring or  
27 cremating pursuant to such authorization, unless it has actual notice  
28 that such representation is untrue.

1           In the event the state of Washington or any of its agencies provide  
2 the funds for the disposition of any remains and the state or its  
3 agency elects to provide the funds for cremation only, the ((cemetery  
4 authority)) crematory shall not be criminally or civilly liable for  
5 cremating the remains.

6           If the provisions of RCW 68.50.160 do not apply, a crematory  
7 licensed under the provisions of RCW 68.05.175 or 18.39.217 shall have  
8 the right to rely on a personal representative of the decedent or the  
9 decedent's estate to execute an authority to cremate, and the crematory  
10 shall not be criminally or civilly liable for cremating the remains.