

CHAPTER 6. CEMETERY SALES AND MANAGEMENT ORGANIZATION

§ 401. License to engage in business

No person shall engage in the business of a cemetery sales organization or a cemetery management organization except as authorized by this Title and without first obtaining a license from the board.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.

§ 402. Application for license

Any person wishing to establish and operate the business of a cemetery sales organization or a cemetery management organization shall operate as a corporation as required by R.S. 8:201 and shall file with the board a written application for a license to operate. The application shall be on a form issued by the board which shall require, at a minimum, that the documents and information submitted to the board shall include:

(1) A statement of the states or other jurisdictions in which the corporation presently is conducting the business activity for which a license is being applied and any adverse order, judgment, or decree entered against the applicant in each jurisdiction or by any court.

(2) The corporation's name, address, the form of its organization, and the address of each of its offices within and without the state.

(3) The name, address, and principal occupation for the past five years of every director and officer of the applicant, and the name, address, and principal occupation for the past five years of every principal owner and principal stockholder. For this purpose, any individual whose interest in the applicant exceeds ten percent shall be considered a principal owner or stockholder.

(4) A copy of the articles of incorporation that establish the legal entity of the applicant.

(5) A narrative description of the promotional plan for the sale of cemetery property and services.

Acts 1974, No. 417, § 1. Amended by Acts 1980, No. 428, § 1. Amended by Acts 2022, No. 574, § 1.

§ 403. Application fee; annual fee

The application shall be accompanied by an initial filing fee of two hundred fifty dollars for each cemetery sales organization and each cemetery management organization. An annual fee of a like amount shall be paid. If ninety percent or more of the applicant is owned by an existing cemetery authority operating pursuant to the provisions of this Title, the initial filing fee, as well as the annual fee, shall be one-half of the sums set out in this Section.

Acts 1974, No. 417, § 1. Amended by Acts 2015, No. 222, § 1. Amended by Acts 2022, No. 574, § 1.

§ 404. Investigation by board

Upon receipt of an application, together with the filing fee, the board shall cause an investigation to be made, prior to approval of an applicant, to determine each of the following:

(1) The legal entity that is to conduct the business of applicant and if the entity is a foreign corporation, whether or not it is qualified to do business in Louisiana.

(2) The identity of the principal owners, principal stockholders, and of all directors and officers, and the ability, experience, financial stability, and integrity of each of the parties to conduct the business stated in the application.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.

§ 405. Issuance of license; board's discretion

The board, after receipt and consideration of the application and investigation report, may issue or refuse to issue the authority to engage in the business requested.

Acts 1974, No. 417, § 1.

§ 406. Denial procedure

If the board intends to deny an application for authority, it shall give written notice thereof to the applicant. The notice shall state a time and a place for hearing before the board and a summary statement of the reasons for the proposed denial. The notice shall be mailed by certified mail to the applicant at the address stated in the application at least fifteen days prior to the scheduled hearing date. The board may require the applicant to pay the costs of such hearing if the proposed denial is sustained. An appeal from the board's decision may be had to the district court of the board's domicile.

Acts 1974, No. 417, § 1.

§ 407. Sale or transfer of cemetery sales or cemetery management organization; application for new license; compliance required

Within ten days after the sale or transfer of ownership or control of a cemetery sales or management organization, the transferor organization shall return its license to the board. The transferee, within ten days, shall apply for a new license and meet all the requirements of this Chapter. Upon the filing of a completed application, the transferee may operate the business until its application is acted upon by the board.

Acts 1974, No. 417, § 1. Amended by Acts 1980, No. 428, § 1. Amended by Acts 2022, No. 574, § 1.

§ 408. Penalties

Any person, cemetery sales organization, or cemetery management organization violating the provisions of this Chapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment of not less than thirty days nor more than one year, or both, and shall be subject to revocation of his or its license to operate.

Acts 1974, No. 417, § 1. Amended by Acts 2022, No. 574, § 1.