



ADMINISTRATIVE RULES OF MONTANA



24.147.1301 APPLICATIONS FOR CEMETERY LICENSES

- (1) Applicants for a license to operate a cemetery must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation, including:
 - (a) a certified copy of:
 - (i) articles of incorporation, if applicable; and
 - (ii) perpetual care and maintenance trust agreement executed by the owner, the presiding officer, or other agent;
 - (b) a statement signed by a majority and verified by the owner, the presiding officer, or other agent, which contains the following information:
 - (i) names and addresses of the owners, partners, incorporators, directors, officers, cemetery manager, and trustees of the perpetual care and maintenance fund, including the person who will be in charge of sales;
 - (ii) size, location and topography of, and water available for, the property to be used for cemetery purposes;
 - (iii) the name(s) and address(es) of the banking institution, savings or building and loan association, or credit union in which the trust(s) is held; and
 - (iv) the total amount deposited to the perpetual care and maintenance fund, type of investment made or to be made and the proposed rate of contribution for the future. The amount deposited must be broken out by the initial principal investment and the trust interest and dividends earned to date by the previous owner if the cemetery was purchased from a previous licensee;
 - (c) an independent confirmation from the banking institution, savings or building and loan association, or credit union in which the trust(s) is held with proof of deposit of the initial contribution to the perpetual care and maintenance fund;
 - (d) an accurate and readable map of the proposed cemetery site (scale not less than one inch to 500 feet) and surrounding area showing number of acres, highways, access roads, etc., and area to be initially developed delineated for the cemetery;
 - (e) such other matters as the board may require by written notice to the applicant; and
 - (f) if the cemetery is not a pre-existing cemetery, a certified copy of the:

- (i) application to the city or county planning commission for a cemetery use permit or rezoning for cemetery purposes, or both, if applicable; and
 - (ii) land use or zoning permit, if applicable.
- (2) An application for a new cemetery license must be submitted whenever ownership of a cemetery company changes as described in ARM 24.147.1313.

Authorizing statute(s): 37-1-131, 37-19-202, 37-19-807, MCA

Implementing statute(s): 37-1-131, 37-19-807, 37-19-814, MCA

History: NEW, 1998 MAR p. 2959, Eff. 11/6/98; TRANS, from Commerce, 2002 MAR p. 790; AMD, 2006 MAR p. 1169, Eff. 5/5/06; AMD, 2017 MAR p. 2187, Eff. 11/25/17.