
Rules of
Department of Economic
Development
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

4 CSR 65-2.010 Application for a License

PURPOSE: This rule outlines the procedure for application for a license.

(1) Application for licensure shall be submitted on the form provided by the office. Forms may be obtained by contacting the Office of Endowed Care Cemeteries at 3605 Missouri Boulevard, Jefferson City, MO 65102 or by calling (573) 751-0849. The number for the hearing impaired is (800) 735-2966.

(2) An application is not considered officially filed with the committee until it has been determined by the division that a fully completed application has been submitted to the division. Application forms provided by the division must be completed, signed, notarized and accompanied by adequate documentation, as requested by the division to establish compliance with all state laws, rules and regulations, and county or municipal ordinances and regulations.

(3) An applicant owning or operating an endowed care cemetery shall submit along with the application a notarized verification statement from the trustee verifying that a trust fund has been established as required in section 214.310, RSMo. If the trust fund is set aside in a segregated bank account, a notarized statement from a licensed practicing attorney with escrow powers, including the attorney's Missouri bar number, shall be submitted.

(4) An applicant owning or operating an endowed care cemetery shall submit along with the application a copy of the trust fund agreement for approval by the office or an affidavit from a licensed practicing attorney in this state verifying the agreement is in compliance with sections 214.270 to 214.516, RSMo.

(5) A notarized verification statement from a bonding company or insurance company shall accompany the application verifying that a surety bond has been issued pursuant to section 214.310, RSMo, if required.

(6) Applicants approved for a license will receive one (1) license. Duplicate licenses may be provided upon written request to the division.

(7) An application for a license to operate a cemetery does not constitute an election to operate a cemetery as an endowed care cemetery. If an election pursuant to section 214.280, RSMo has not been made for a cemetery, it must accompany the application for a license.

AUTHORITY: section 214.275, RSMo Supp. 2001.* Original rule filed Sept. 28, 2001, effective March 30, 2002.

*Original authority: 214.275, RSMo 1999, amended 2001.

**4 CSR 65-2.020 Endowed Care Cemetery
Converting to Nonendowed**

PURPOSE: This rule establishes procedures for endowed care cemeteries to become a nonendowed cemetery.

(1) Any endowed care cemetery that wishes to become a nonendowed cemetery shall submit a letter of intent to the office which shall include a detailed plan regarding how the cemetery will meet contractual obligations for the delivery of services entered into prior to converting to the status of a nonendowed cemetery, including but not limited to:

(A) Plot map showing any section that contains an endowed care plot;

(B) Affidavit ensuring that the endowed care funds will remain intact for the care and maintenance of the sections containing plots sold as endowed care;

(C) A statement regarding how the funds will be held consistent with section 214.330, RSMo; and

(D) Any other information requested by the office.

(2) The office shall inform the cemetery owner/operator whether the cemetery may operate as a nonendowed cemetery. The office may require an audit of the endowed care trust funds prior to evaluating a request to convert a cemetery from endowed to nonendowed care. If the letter of intent is approved by the office, the nonendowed section shall be separately designated from the remainder of the cemetery as required by law. All sections with burial spaces previously sold as endowed care shall remain as endowed care. The endowed care fund in place at the time the cemetery is converted to nonendowed shall remain intact and be maintained pursuant to the trust requirements as set forth in sections 214.240–214.516, RSMo. If the trust funds have not been maintained in compliance with the Endowed Care Cemetery Trust Fund Law prior to conversion to a nonendowed care cemetery, the

holder of the certificate of authority shall be required to make all necessary deposits to the trust fund prior to conversion to a nonendowed care cemetery.

AUTHORITY: sections 214.280.2, RSMo Supp. 1999 and 214.392, RSMo 1994.* Original rule filed: April 14, 2000, effective Oct. 30, 2000.

*Original authority: 214.280, RSMo 1961, amended 1994; 214.392, RSMo 1994.

**4 CSR 65-2.030 Election to Operate as
Endowed or Nonendowed**

PURPOSE: This rule outlines the procedure for electing to operate as an endowed or nonendowed care cemetery.

(1) Election to operate shall be submitted on the form provided by the division. Forms may be obtained by contacting the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102, by calling (573) 751-0849 or by E-mail at endocare@mail.state.mo.us.

(2) An election to operate form is not considered officially filed with the division until it has been determined by the division that a fully completed form and the required fee has been submitted. Forms provided by the division must be completed, signed, notarized and accompanied by adequate documentation, as requested by the division to establish compliance with all state laws, rules and regulations, and county or municipal ordinances and regulations.

(3) An election to operate does not constitute an application for a certificate of authority. If an application, pursuant to section 214.275, RSMo, has not been made for a cemetery, it must accompany the election to operate form.

AUTHORITY: sections 214.280, RSMo Supp. 1999 and 214.392, RSMo 1994.* Original rule filed April 14, 2000, effective Oct. 30, 2000.

*Original authority: 214.280, RSMo 1961, amended 1994; 214.392, RSMo 1994.

**4 CSR 65-2.040 Land Surveyor's State-
ment, Location of Cemetery**

PURPOSE: This rule is to define the form and manner for land surveyors to submit statements to the Office of Endowed Care Cemeteries of the Division of Professional



Registration of the location of cemeteries found during land surveys of property located in the state.

(1) For purposes of section 214.283(1), RSMo, the office shall create the form for land surveyors to report the location of cemeteries. The form shall request the following information:

- (A) Location of the property, including address, legal description and the city and/or county within which the cemetery is located;
- (B) Name of the cemetery;
- (C) County assessor's parcel number for the property;
- (D) Owner of the cemetery;
- (E) Name, telephone number and professional license number of the land surveyor; and
- (F) Any other information deemed appropriate by the office.

(2) The land surveyor is required in all cases to provide his/her name, license number and telephone number and an adequate description of the location of the cemetery so it can be found by another person.

(3) The land surveyor shall also provide all other information requested in the form that is known or easily obtained by the land surveyor.

(4) The form shall be submitted to the Office of Endowed Care Cemeteries, P.O. Box 1335, Jefferson City, MO 65102-1335.

AUTHORITY: sections 214.283(1) and 214.392, RSMo 1994. Original rule filed April 14, 2000, effective Oct. 30, 2000.*

**Original authority: 214.283, RSMo 1994; 214.392, RSMo 1994.*

4 CSR 65-2.050 License Renewal

PURPOSE: This rule outlines the process of renewing a license.

(1) All licenses shall be renewed annually and shall expire on August 31.

(A) Each holder of a license to own or operate a cemetery shall provide the division with a completed renewal application issued by the division and the required annual renewal fee. The renewal application shall contain updated information since the preceding application/renewal period.

(B) The division shall mail a renewal application to the last known address of each current holder of a license to own or operate a cemetery prior to the renewal date.

(C) Failure to receive a renewal notice shall not relieve the holder of a license to own or operate a cemetery of the obligation to renew the license and pay the required fee prior to the expiration date of the license.

(D) Deposit of the renewal fee by the division shall not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(E) Renewals shall be postmarked no later than the expiration date of the license, or if the expiration date is a Sunday or a federal holiday, the next day.

(2) The license issued to the owner or operator of a cemetery which is not renewed within three (3) months after the license renewal date shall be suspended automatically. The holder of such a license shall have the right to have the suspended license reinstated within nine (9) months of the date of suspension if the person pays the required reinstatement fee and complies with all other renewal requirements set forth above. A license that is suspended and not reinstated within nine (9) months of the suspension shall expire and be void and the holder of such license shall have no rights or privileges provided to holders of valid licenses. Any person whose license has expired may be re-registered or reauthorized under the original license number upon demonstration of current qualifications and payment of the following required fees: original licensure fee and renewal fees and reinstatement fees for each unpaid renewal period for which the holder of the license owned or operated the cemetery.

(3) Applicants that are approved for renewal will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the division.

AUTHORITY: sections 214.275.4 and 214.276, RSMo Supp. 2001. Original rule filed Sept. 28, 2001, effective March 30, 2002.*

**Original authority: 214.275, RSMo 1999, amended 2001 and 214.276, RSMo 1999, amended 2001.*