

SENATE BILL NO. 193

BY SENATOR CORTEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 37:844 and to enact R.S. 37:874(C) and (D), relative to embalming and funeral directing; to provide for certificate renewals; to provide for notice; to provide for a time frame for compliance; to provide for refunds of certain reinstatement fees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:844 is hereby amended and reenacted and R.S. 37:874(C) and (D) are hereby enacted to read as follows:

§844. Renewals

A. Every certificate holder under this Chapter who ~~wishes to continue~~ **continues** the practice of the science of embalming, ~~or~~ the practice of funeral directing, **or continues to operate a funeral establishment in this state** shall **renew its license by paying** pay to the secretary of the board on or before December ~~31~~ **thirty-first** of each year the renewal fee ~~provided in~~ **set forth by rule in accordance with** R.S. 37:845. **Any certificate holder whose renewal fee is not received by the board by December thirty-first shall be deemed delinquent. A notice of delinquency shall be sent via certified mail to the certificate holder by the board. The notice shall state that the deadline for payment has lapsed and that if the certificate holder intends to renew, payment of the renewal fee shall be submitted to the board within five business days of receipt of the notice. No penalties, reinstatement fees, or late fees shall be assessed and no reinspection shall be required if the certificate holder submits payment of the renewal fee within five business days of receipt of the notice. If the board does not receive**

1 the renewal fee within the five business days provided for by this Subsection,
2 such certificate holder shall be subject to any penalty, reinstatement fees, or late
3 fees authorized by law.

4 B. Renewal fees sent through the mail shall be deemed timely received
5 if mailed on or before the due date. If the renewal fee is received by the board
6 after the due date, the timeliness of the mailing shall be shown by an official
7 United States postmark or by official receipt or certificate from the United
8 States Postal Service or a commercial mail service, made at the time of mailing
9 that indicates the date thereof.

10 C. Any certificate holder whose renewal fee for 2017 was received by the
11 board by February 1, 2017, and who paid a reinstatement of certificate fee or
12 any penalty for late payment shall be issued a refund by the board for all
13 amounts paid in excess of the annual renewal fee. This refund shall be issued no
14 later than September 1, 2017.

15 ~~Certificates not renewed by December 31 of any year shall be considered~~
16 ~~automatically revoked.~~

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18 §874. Annual renewal of licenses

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20 C. Any crematory retort operator or any crematory authority whose
21 renewal application, renewal fee, and, if applicable, annual report is not
22 received by the board by May fifteenth of each year shall be deemed delinquent.
23 A notice of delinquency shall be sent via certified mail to the crematory retort
24 operator or crematory authority by the board. The notice shall state that the
25 deadline for renewal has lapsed and that if the crematory retort operator or
26 crematory authority intends to renew, the renewal fee, the renewal application,
27 and, if applicable, annual report shall be submitted to the board within five
28 business days of receipt of the notice. No penalties, reinstatement fees, or late
29 fees shall be assessed and no reinspection shall be required if the crematory
30 retort operator or crematory authority submits the renewal fee, the renewal

1 application, and, if applicable, the annual report within five business days of
 2 receipt of the notice. If the board does not receive the renewal fee, the renewal
 3 application, and, if applicable, annual report within the five business days
 4 provided for by this Subsection, such crematory retort operator or crematory
 5 authority shall be subject to any penalty, reinstatement fees, or late fees
 6 authorized by law.

7 D. A renewal fee, application, or annual report sent through the mail
 8 shall be deemed timely received if mailed on or before the due date. If received
 9 by the board after the due date, the timeliness of the mailing shall be shown by
 10 an official United States postmark or by official receipt or certificate from the
 11 United States Postal Service or a commercial mail service, made at the time of
 12 mailing that indicates the date thereof.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____