SLS 17RS-450

ENGROSSED

2017 Regular Session

SENATE BILL NO. 193

BY SENATOR CORTEZ

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

EMBALMERS/FUNERAL DIRECT. Provides relative to certificate renewals by the Louisiana State Board of Embalmers and Funeral Directors. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 37:844 and to enact R.S. 37:874(C) and (D), relative to
3	embalming and funeral directing; to provide for certificate renewals; to provide for
4	notice; to provide for a time frame for compliance; to provide for refunds of certain
5	reinstatement fees; to provide for an effective date; and to provide for related
6	matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 37:844 is hereby amended and reenacted and R.S. 37:874(C) and (D)
9	are hereby enacted to read as follows:
10	§844. Renewals
11	A. Every certificate holder under this Chapter who wishes to continue
12	continues the practice of the science of embalming, or the practice of funeral
13	directing, or continues to operate a funeral establishment in this state shall
14	renew its license by paying pay to the secretary of the board on or before December
15	31 of each year the renewal fee provided in set forth by rule in accordance with
16	R.S. 37:845. Any certificate holder whose renewal fee is not received by the
17	board by December thirty-first shall be deemed delinquent. A notice of

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	delinquency shall be sent via certified mail to the certificate holder by the
2	board. The notice shall state that the deadline for payment has lapsed and that
3	if the certificate holder intends to renew, payment of the renewal fee shall be
4	submitted to the board within five business days of receipt of the notice. No
5	penalties, reinstatement fees, or late fees shall be assessed and no reinspection
6	shall be required if the certificate holder submits payment of the renewal fee
7	within five business days of receipt of the notice. If the board does not receive
8	the renewal fee within the five days provided for by this Subsection, such
9	certificate holder shall be subject to any penalty, reinstatement fees, or late fees
10	authorized by law.
11	B. Renewal fees sent through the mail shall be deemed timely received
12	if mailed on or before the due date. If the renewal fee is received by the board
13	after the due date, the timeliness of the mailing shall be shown by an official
14	United States postmark or by official receipt or certificate from the United
15	States Postal Service or a commercial mail service, made at the time of mailing
16	that indicates the date thereof.
17	C. Any certificate holder whose renewal fee for 2017 was received by the
18	board by February 1, 2017, and who paid a reinstatement of certificate fee or
19	any penalty for late payment shall be issued a refund by the board for all
20	amounts paid in excess of the annual renewal fee. This refund shall be issued no
21	later than September 1, 2017.
22	Certificates not renewed by December 31 of any year shall be considered
23	automatically revoked.
24	* * *
25	§874. Annual renewal of licenses
26	* * *
27	C. Any crematory retort operator or any crematory authority whose
28	renewal application, renewal fee, and, if applicable, annual report is not
29	received by the board by May fifteenth of each year shall be deemed delinquent.

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1	A notice of delinquency shall be sent via certified mail to the crematory retort
2	operator or crematory authority by the board. The notice shall state that the
3	deadline for renewal has lapsed and that if the crematory retort operator or
4	crematory authority intends to renew, the renewal fee, the renewal application,
5	and, if applicable, annual report shall be submitted to the board within five
6	business days of receipt of the notice. No penalties, reinstatement fees, or late
7	fees shall be assessed and no reinspection shall be required if the crematory
8	retort operator or crematory authority submits the renewal fee, the renewal
9	application, and, if applicable, the annual report within five business days of
10	receipt of the notice. If the board does not receive the renewal fee, the renewal
11	application, and, if applicable, annual report within the five days provided for
12	by this Subsection, such crematory retort operator or crematory authority shall
13	be subject to any penalty, reinstatement fees, or late fees authorized by law.
14	D. A renewal fee, application, or annual report sent through the mail
15	shall be deemed timely received if mailed on or before the due date. If received
16	by the board after the due date, the timeliness of the mailing shall be shown by
17	an official United States postmark or by official receipt or certificate from the
18	United States Postal Service or a commercial mail service, made at the time of
19	mailing that indicates the date thereof.
20	Section 2. This Act shall become effective upon signature by the governor or, if not
21	signed by the governor, upon expiration of the time for bills to become law without signature
22	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23	vetoed by the governor and subsequently approved by the legislature, this Act shall become

24 effective on the day following such approval.

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle D. Ridge.

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Cortez

<u>Present law</u> provides that certificate holders shall renew their certificate by December 31 of each year and such certificate shall be considered automatically revoked for failure to pay.

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<u>Proposed law</u> repeals the provision for automatic revocation of certificate for failure to pay and establishes a process requiring the board to issue notice of failure to pay by certified mail, provide the opportunity for the certificate holder to pay within five days of receipt of the certified mail, and issue a refund to any certificate holders who were assessed a reinstatement fee in January 2017, to include the reinstatement fee less the annual renewal fee. The refund must be issued by September 1, 2017.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:844; adds R.S. 37:847(C) and (D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.