

No. 1995-73

AN ACT

HB 409

Amending the act of November 24, 1992 (P.L.730, No.110), entitled "An act providing cemetery companies or associations with the right to inter a dead human body in a ground space, a mausoleum, a columbarium or a niche to which interment rights have been abandoned; and encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith," extending liability limitations to landowners of historic burial places.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2(b), (c) and (f) of the act of November 24, 1992 (P.L.730, No.110), entitled "An act providing cemetery companies or associations with the right to inter a dead human body in a ground space, a mausoleum, a columbarium or a niche to which interment rights have been abandoned; and encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith," are amended to read:

Section 2. Historic burial places.

* * *

(b) General rule.—Except as provided in subsection (d), a caretaker organization *or a landowner* owes no duty of care to keep a historic burial place safe for entry or use by others or to give any warning of a dangerous condition, use, structure or activity on the premises of the historic burial place to persons who enter the premises.

(c) Limitations.—Except as provided in subsection (d), a caretaker organization *or a landowner* which either directly or indirectly invites or permits any person to enter the premises of the historic burial place without charge does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose.
- (2) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
- (3) Assume responsibility for or incur liability for any injury to persons or property by an act of omission of such persons.

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(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Caretaker organization." A nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)) which owns or otherwise assumes responsibility for the restoration and maintenance of a historic burial place.

“Historic burial place.” A tract of land that has been in existence as a burial ground for more than 100 years wherein there have been no burials for at least 50 years and wherein there will be no future burials.

“Landowner.” A person, other than a caretaker organization, who owns in fee the real property which comprises a historic burial place and who permits a caretaker organization to restore and maintain the historic burial place.

Section 2. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 1995.

THOMAS J. RIDGE