

### **367.932 Definitions.**

As used in KRS 367.934 to 367.974 and 367.991, unless the context requires otherwise:

- (1) "Attorney General" means Division of Consumer Protection in the office of the Attorney General.
- (2) "Financial institution" means a bank, trust company, federally chartered credit union, or savings and loan association authorized by law to do business in this state.
- (3) "Preneed burial contract" means a contract, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person whose body is to be disposed of; but does not mean the furnishing of a cemetery lot or mausoleum.
- (4) "Agent" means the licensee who is the person, partnership, association or corporation receiving any payments on a preneed funeral contract.
- (5) "Trustee" means the financial institution.
- (6) "Person" means an individual, corporation, partnership, joint venture, association, business trust, or any other form of business organization; provided, however, that an individual employee of an entity registered pursuant to KRS 367.934 to 367.974 and 367.991 shall not be required to comply with the registration requirement herein.
- (7) "Remains" means the bodies of deceased persons, in whatever stage of decomposition, and cremated remains.
- (8) "Cemetery" means any one (1) or combination of more than one (1) of the following in a place used or to be used and dedicated or designated for such purposes:
  - (a) A burial park, for earth interment.
  - (b) A mausoleum, for entombment.
  - (c) A columbarium, for inurnment.
- (9) "Mausoleum" means a building or structure substantially exposed above ground used or intended to be used for the entombment of human remains, which is sold or offered for sale to the public.
- (10) "Columbarium" means a structure or building substantially exposed above ground intended to be used for the inurnment of cremated remains and sold or offered for sale to the public.
- (11) "Columbarium niche" means an inurnment space in a columbarium as defined herein.
- (12) "Cemetery company" means any person, who conducts the business of a cemetery. Excepted are small community cemeteries, their agents, lessees and otherwise that operate nonprofit; have no salaried employees, directors, officers or managers other than maintenance caretakers; are owned, controlled by lot owners; and do not sell any preneed merchandise or services.

- (13) "Grave space" means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of one (1) human being.
- (14) "Underground crypt" means a single unit entombment space in preplaced chambers below ground and also known as lawn crypt, westminister turftop mausoleum or below ground crypt.
- (15) "Bank of underground crypts" means any construction unit of twenty (20) or more underground crypts designed as a part of a below ground crypt program, whether physically connected or not, having a common drainage system.
- (16) "Mausoleum crypt" means an entombment space in a mausoleum as defined herein.
- (17) "Cemetery merchandise" means urns, memorials, monuments, markers, vases, foundations, memorial bases, and other similar personal property commonly sold by or used in cemeteries.
- (18) "Preneed cemetery merchandise contract" means any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or delivery of cemetery merchandise, which within six (6) months of the date of the contract is not attached to the realty and permanently installed or which is not stored in a bonded warehouse with the receipt of ownership issued by the manufacturer in the name of the purchaser and transmitted to the purchaser.

**Effective:** July 13, 1984

**History:** Repealed, reenacted, and amended as KRS 367.932, 1984 Ky. Acts ch. 116, secs. 1, and 9, effective July 13, 1984. -- Created in part 1976 Ky. Acts ch. 294, sec. 2. -- Created in part 1966 Ky. Acts ch. 12, sec. 1.

**Formerly codified as** KRS 307.100 and 316.310.