

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 98

5 By: Senator D. Wallace  
6 By: Representative Rye  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE CERTIFICATE FOR BENEFITS FOR  
10 BURIAL ASSOCIATIONS; TO CLARIFY THE PERCENTAGE  
11 PAYABLE TO SUBSTITUTE SERVICE-PROVIDING FUNERAL HOMES  
12 BASED ON MEMBERSHIP DATA AND PROXIMITY TO THE  
13 CONTRACT FUNERAL HOME; AND FOR OTHER PURPOSES.  
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## Subtitle

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16 TO AMEND THE CERTIFICATE FOR BENEFITS FOR  
17 BURIAL ASSOCIATIONS; AND TO CLARIFY THE  
18 PERCENTAGE PAYABLE TO SUBSTITUTE SERVICE-  
19 PROVIDING FUNERAL HOMES BASED ON  
20 MEMBERSHIP DATA AND PROXIMITY TO THE  
21 CONTRACT FUNERAL HOME.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 23-78-112(b), concerning the percentage  
28 payable under a certificate for benefits to a funeral home other than the  
29 contract funeral home, is amended to read as follows:

30 (b) ~~If~~ For memberships issued on or after July 19, 1987, if other than  
31 the contract funeral home performs the funeral service, the benefit shall be  
32 paid to that licensed, servicing funeral home on the basis of one hundred  
33 percent (100%) of the face amount of the certificate, in cash.  
34

35 SECTION 2. Arkansas Code § 23-78-112, concerning certificates for  
36 benefits applicable to burial associations, is amended to add additional



1 subsections to read as follows:

2 (c)(1) For memberships issued before July 1, 1967, if a licensed  
3 funeral home other than the contract funeral home performs the funeral  
4 service, the benefit shall be paid to that licensed, servicing funeral home  
5 according to the agreement contained in the certificate of membership between  
6 the member and the burial association.

7 (2) For memberships issued between July 1, 1967, through August  
8 5, 1976, if a licensed funeral home other than the contract funeral home  
9 performs the funeral service and the service occurs outside of the burial  
10 association's service area, as established by the certificate of membership,  
11 then the benefit shall be paid to the licensed, servicing funeral home at a  
12 minimum rate of seventy percent (70%) of the certificate for benefit face  
13 amount or seventy percent (70%) of the amount credited on the at-need or  
14 final billing statement, whichever is higher.

15 (3) For memberships issued between August 5, 1976, through July  
16 19, 1987, if a licensed funeral home other than the contract funeral home  
17 performs the funeral service and the service occurs outside of the burial  
18 association's service area, as established by the certificate of membership,  
19 then the benefit shall be paid to the licensed, servicing funeral home at a  
20 minimum rate of eighty percent (80%) of the certificate for benefit face  
21 amount or eighty percent (80%) of the amount credited on the at-need or final  
22 billing statement, whichever is higher.

23 (d) If a licensed funeral home other than the contract funeral home  
24 performs the funeral service and the licensed, servicing funeral home's at-  
25 need or final billing statement reflects a credit for the full burial  
26 association certificate for benefit amount, then:

27 (1) A burial association member is considered to have been made  
28 whole by the licensed, servicing funeral home and the family or responsible  
29 party of the deceased member is not entitled to receive any additional funds,  
30 reimbursement, or refund of any paid-in dues, or other compensation, cash or  
31 merchandise, on the deceased burial association member's certificate of  
32 membership; and

33 (2)(A) If the contract funeral home administering the burial  
34 association's business renders payment to the licensed, servicing funeral  
35 home, based on the percentages in subsection (b) of this section and  
36 subdivisions (c)(1) and (2) of this section, then it is at the discretion of

1 the licensed, servicing funeral home whether or not to retain the disbursed  
2 burial association funds or to return the funds to the family or responsible  
3 party of the deceased member.

4 (B) Any payment to the family or responsible party is to  
5 be made by the licensed, servicing funeral home, and not the burial  
6 association or the burial association's contract funeral home.

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9 **APPROVED: 2/17/23**  
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