



Sen. Emil Jones, III

**Filed: 4/3/2014**

09800SB1050sam001

LRB098 07178 HEP 58151 a

1 AMENDMENT TO SENATE BILL 1050

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1050 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Disposition of Remains Act is amended by  
5 changing Section 45 as follows:

6 (755 ILCS 65/45)

7 Sec. 45. Liability.

8 (a) There shall be no liability for a cemetery  
9 organization, a business operating a crematory or columbarium  
10 or both, a funeral director or an embalmer, or a funeral  
11 establishment that carries out the written directions of a  
12 decedent or the directions of any person who represents that  
13 the person is entitled to control the disposition of the  
14 decedent's remains. Nothing herein shall be intended or  
15 construed to reduce or eliminate liability for the gross  
16 negligence or willful acts of any cemetery organization,

1 business operating a crematory or columbarium or both, funeral  
2 director or embalmer, or funeral establishment.

3 (b) Notwithstanding any other provision of this Act, if  
4 there is no written direction concerning the disposition of a  
5 decedent's remains pursuant to Sections 10 and 15 of this Act,  
6 a cemetery organization, business operating a crematory or  
7 columbarium or both, funeral director or embalmer, or funeral  
8 establishment, before carrying out the directions of any person  
9 who represents himself or herself as being entitled to control  
10 the disposition of the decedent's remains, shall require that  
11 person to furnish an affidavit signed by the person before a  
12 notary public, stating under oath or affirmation that the  
13 person is entitled to control the disposition of the decedent's  
14 remains. The affidavit shall also be signed by 2 witnesses  
15 related to the decedent. Upon receiving the affidavit, the  
16 cemetery organization, business operating a crematory or  
17 columbarium or both, funeral director or embalmer, or funeral  
18 establishment shall make a good faith effort to verify that the  
19 person who represents himself or herself as being entitled to  
20 control the disposition of the decedent's remains is in fact  
21 entitled to control the disposition of the decedent's remains.  
22 A cemetery organization, business operating a crematory or  
23 columbarium or both, funeral director or embalmer, or funeral  
24 establishment that does not require an affidavit under this  
25 subsection or does not retain the affidavit for a period of no  
26 less than 3 years is liable for damages in an action which may

1 be brought in the circuit court of the county in which the  
2 place of business is established.

3 (Source: P.A. 94-561, eff. 1-1-06.)".