

REFERENCE TITLE: funeral escorts; funeral board licensure

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2183

Introduced by
Representatives Blanc: Rodriguez

AN ACT

AMENDING SECTION 28-776, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 9, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2040; AMENDING SECTIONS 32-1301, 32-1307 AND 32-1309, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1330.01; RELATING TO FUNERAL ESCORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-776, Arizona Revised Statutes, is amended to read:

28-776. Funeral and military procession right-of-way; funeral and military escort vehicles; licensure; drivers; definitions

A. Pedestrians and the operators of all vehicles, except emergency vehicles, shall yield the right-of-way to each vehicle that is a part of a funeral procession being led by a funeral escort vehicle or a military procession being led by a military escort vehicle. The driver of the funeral escort vehicle or military escort vehicle may direct the drivers of other vehicles in the procession ~~OR ANOTHER VEHICLE THAT IS APPROACHING AN INTERSECTION~~ to proceed through ~~any~~ THE intersection or to make turns or other movements, and the other vehicles may continue to follow and make the turns or other movements as are made by or as directed by the driver of the funeral escort vehicle or military escort vehicle notwithstanding any traffic control device prescribed by statute or local ordinance, except that ~~a~~ THE driver of a vehicle in the funeral procession or military procession shall not exceed the posted speed limit and shall exercise reasonable and prudent care to avoid colliding with any other vehicle or pedestrian on the roadway. Each vehicle in a funeral procession or military procession shall have its headlights lighted.

~~B. A driver of a funeral escort vehicle or military escort vehicle who is certified pursuant to subsection D of this section may direct and control the drivers of vehicles in a funeral procession or military procession and any other vehicle in or approaching any intersection to stop, proceed or make the turns or other movements as required without regard to any traffic control device prescribed by statute or local ordinance. Funeral escort vehicles or military escort vehicles may exceed the speed limit by fifteen miles per hour when overtaking processions to direct traffic at the next intersection.~~ A funeral escort vehicle or military escort vehicle shall be equipped with BOTH OF THE FOLLOWING:

1. At least one PERMANENT lighted lamp exhibiting a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, EXCEPT THAT IF A NONPROFIT CORPORATION THAT PROVIDES MILITARY PROCESSIONS OPERATES THE VEHICLE, THE LIGHTED LAMP MAY BE TEMPORARILY AFFIXED. ~~and~~

2. An audible signal by bell, siren or exhaust whistle as required under section 28-624.

C. The ~~sheriff in each county~~ STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS shall ~~register~~ LICENSE funeral escort vehicles and military escort vehicles and issue an identification sticker or plate that is affixed to the vehicle in order to identify the vehicle as a funeral escort vehicle or military escort vehicle. ~~When acting as a funeral escort or military escort, the driver of a properly equipped and~~

~~registered funeral escort vehicle or military escort vehicle has all of the rights and privileges of a driver of an authorized emergency vehicle proceeding to an emergency call as provided under section 28-624.~~

D. ~~Within thirty days after receiving an application for approval,~~ The ~~sheriff in each county~~ STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS shall approve or disapprove in writing all markings, emblems, seals and other insignia on a funeral escort vehicle before being displayed. ~~The sheriff may not unreasonably withhold approval.~~ The ~~sheriff~~ STATE BOARD shall ensure that the vehicle does not bear markings similar to the vehicle markings used by a law enforcement agency of the federal or state government or a political subdivision of this state or bear words, emblems, seals or other insignia that could cause a reasonable person to confuse the vehicle with a law enforcement vehicle. ~~Beginning October 1, 2008,~~ The right and left sides of a funeral escort vehicle shall be clearly AND PERMANENTLY marked with the words "funeral escort" in letters that are at least five inches in height, except that if the funeral escort vehicle is a motorcycle THAT IS USED BY A NONPROFIT CORPORATION, the DRIVER SHALL WEAR A REFLECTIVE VEST WITH letters ~~shall be~~ THAT ARE at least two inches in height ON THE VEST.

~~E. The sheriff in each county may certify any person who holds at least a valid class A, B, C, D or M driver license issued by this state as a certified driver of a funeral escort vehicle or military escort vehicle if the person:~~

~~1. Completes a training program in motor vehicle safety and traffic control safety as prescribed by the sheriff.~~

~~2. Pays the fee that is prescribed by the sheriff for the program and that does not exceed the cost of the program.~~

E. A MILITARY ESCORT VEHICLE THAT IS USED BY A NONPROFIT CORPORATION IN A MILITARY PROCESSION SHALL BE CLEARLY MARKED TO INDICATE THAT THE VEHICLE IS A MILITARY ESCORT VEHICLE. THE MARKINGS DESCRIBED IN THIS SUBSECTION MAY BE TEMPORARY.

F. THE STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS SHALL LICENSE A PERSON AS A DRIVER OF A FUNERAL ESCORT VEHICLE OR A MILITARY ESCORT VEHICLE PURSUANT TO SECTION 32-1330.01.

~~F. G. Within thirty days after receiving an application for approval,~~ The ~~sheriff in each county~~ STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS shall approve or disapprove in writing all uniforms, badges, patches and insignias worn by a ~~certified~~ LICENSED driver of a funeral escort vehicle before being displayed. ~~The sheriff may not unreasonably withhold approval.~~ ~~Beginning October 1, 2008,~~ The uniform shall contain insignia that identifies the wearer as a funeral escort. The ~~sheriff~~ STATE BOARD shall ensure that a uniform, badge, patch or insignia does not bear markings similar to the markings of a law enforcement agency of the federal or state government or a political subdivision of this state or bear the words "sheriff", "police", "deputy", ~~"marshall"~~, "MARSHAL",

1 "agent" or "officer" or any other word that could cause a reasonable
2 person to confuse a certified driver of a funeral escort vehicle with law
3 enforcement personnel.

4 ~~G. Each county sheriff shall recognize as valid in that county a~~
5 ~~registered military escort vehicle or a certified driver of a military~~
6 ~~escort vehicle, or both, if the registration or certification, or both,~~
7 ~~occurs in another county in this state pursuant to this section.~~

8 H. A person:

9 1. Shall not receive any compensation for providing a military
10 procession.

11 2. May ~~only~~ provide a military procession **ONLY** if requested by a
12 United States military member or veteran or the family of a United States
13 military member or veteran.

14 I. For the purposes of this section:

15 1. "Funeral procession" means two or more vehicles accompanying the
16 body of a deceased person, including a funeral escort vehicle ~~registered~~
17 **THAT IS LICENSED** by the ~~sheriff~~ **STATE BOARD OF FUNERAL DIRECTORS AND**
18 **EMBALMERS.**

19 2. "Military procession" means two or more vehicles, including a
20 military escort vehicle, accompanying any of the following:

21 (a) The body of a deceased member of the United States military or
22 a deceased veteran of the United States military.

23 (b) A member of the United States military who is being deployed or
24 who is returning from deployment.

25 (c) A person who is being honored at a military event.

26 (d) A monument honoring United States military members or veterans
27 of the United States military that is being transported in this state.

28 Sec. 2. Title 28, chapter 9, article 2, Arizona Revised Statutes,
29 is amended by adding section 28-4040, to read:

30 **28-4040. Funeral escort vehicles; military procession**
31 **vehicles; state board of funeral directors;**
32 **certificate holder**

33 **A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR A FUNERAL ESCORT**
34 **BUSINESS OR FOR A NONPROFIT CORPORATION THAT PROVIDES MILITARY PROCESSIONS**
35 **AS DEFINED IN SECTION 28-776 SHALL LIST THE STATE BOARD OF FUNERAL**
36 **DIRECTORS AS THE CERTIFICATE HOLDER ON THE CERTIFICATE OF LIABILITY**
37 **INSURANCE.**

38 Sec. 3. Section 32-1301, Arizona Revised Statutes, is amended to
39 read:

40 **32-1301. Definitions**

41 In this chapter, unless the context otherwise requires:

42 1. "Accredited" means recognized or authorized by the American
43 board of funeral service education.

1 2. "Administrative costs and expenses" means the cost of copies,
2 transcripts, court reporter and witness fees, reimbursement for mileage
3 and office of administrative hearings costs.

4 3. "Alternative container" means any unfinished wood box or other
5 nonmetal receptacle or enclosure, without ornamentation or a fixed
6 interior lining, that is designed for the encasement of human remains.

7 4. "Authorizing agent" means a person who is legally entitled to
8 order the cremation, disinterment or embalming of human remains pursuant
9 to section 32-1365.02.

10 5. "Beneficiary" means a person whose future funeral arrangements
11 will be handled by a funeral establishment pursuant to a prearranged
12 funeral agreement.

13 6. "Board" means the state board of funeral directors and
14 embalmers.

15 7. "Business entity" includes any corporation, association, limited
16 liability company, professional corporation, partnership, limited
17 partnership, sole proprietorship, business trust, trust, joint venture and
18 other business entity.

19 8. "Casket" means a rigid container that is designed to permanently
20 encase human remains and that is usually constructed of wood, metal or
21 synthetic substances and ornamented and lined with fabric.

22 9. "Change of ownership" means a transfer of a controlling legal or
23 equitable interest in a licensed funeral establishment or crematory
24 resulting from a sale or merger. If the establishment or crematory is
25 operated by a business entity, any transfer of the ownership of ten
26 percent or more of the entity constitutes a change of ownership.

27 10. "Conviction" means a criminal adjudication or conviction by any
28 state or federal court of competent jurisdiction, including a judgment
29 based on a no contest plea, without regard to whether civil rights have
30 been restored.

31 11. "Cremated remains" means the remaining bone fragments after
32 cremation.

33 12. "Cremation" means the heating process that reduces human
34 remains to bone fragments by combustion and evaporation.

35 13. "Cremation container" means a leak and spill resistant, rigid,
36 combustible, closed receptacle into which human remains are placed before
37 cremation.

38 14. "Cremationist" means a person who operates a crematory retort,
39 who performs the actual cremation of human remains and who may be licensed
40 pursuant to article 6 of this chapter.

41 15. "Crematory" means a building or portion of a building that is
42 licensed pursuant to article 6 of this chapter and that houses a retort in
43 which only human remains are cremated.

44 16. "Disciplinary action" means an action taken by the board to
45 revoke or suspend a license or registration, to impose probationary

1 requirements or civil penalties or to issue a letter of censure or
2 reprimand to any person who is subject to this chapter and who violates
3 any provision of this chapter or rules adopted by the board.

4 17. "Embalmer" means a person who is licensed pursuant to this
5 chapter and who is engaged in embalming.

6 18. "Embalmer's assistant" means a person who is registered
7 pursuant to this chapter and who is engaged in embalming without the
8 supervision of a licensed embalmer.

9 19. "Embalming" means the implementation of reconstructive
10 procedures and the process of disinfecting and preserving a dead human
11 body to retard organic decomposition by treating the body to reduce the
12 presence and growth of organisms.

13 20. "Financial institution" means a bank, savings and loan
14 association, trust company or credit union that is lawfully doing business
15 in this state and that is not affiliated with a funeral establishment.

16 21. "Fixed price prearranged funeral agreement funded by trust"
17 means any agreement or combination of agreements that establishes a fixed
18 price for funeral goods and services, that requires a funeral
19 establishment to provide those funeral goods and services at the price
20 levels in effect at the time of the execution of the agreement and that
21 requires the purchaser to convey all or a portion of the accrued interest
22 to the funeral establishment at the time that the funeral goods and
23 services are actually provided.

24 22. "Funded by insurance" means that monies for a prearranged
25 funeral agreement are paid directly to an insurance company licensed
26 pursuant to title 20 on behalf of the beneficiary of the agreement.

27 23. "Funeral directing" means arranging, directing or providing a
28 service in the disposition of dead human bodies for compensation.

29 24. "Funeral director" means a person who is licensed pursuant to
30 this chapter and who is engaged in funeral directing.

31 25. "Funeral establishment" means a business at a specific location
32 that is licensed pursuant to this chapter and that is devoted to the care,
33 storage or preparation for final disposition or transportation of dead
34 human bodies.

35 26. "Funeral goods and services" means any personal property or
36 services that are typically sold or provided in connection with the final
37 disposition of human remains, including caskets, alternative containers,
38 outer burial containers, cremation containers, transportation containers,
39 funeral clothing or accessories, monuments, grave markers, urns, embalming
40 services, funeral directing services and similar funeral or burial items.
41 Funeral goods and services do not include goods and services sold by
42 cemeteries.

43 27. "Good moral character" means that a person:

44 (a) Has not been convicted of a class 1 or 2 felony by a court of
45 competent jurisdiction.

1 (b) Has not, within five years of applying for licensure or
2 registration, been convicted of a felony or misdemeanor if the offense has
3 a reasonable relationship to the person's proposed area of licensure or
4 registration.

5 (c) Has not, within five years of applying for licensure or
6 registration, committed any act involving dishonesty, fraud,
7 misrepresentation, breach of fiduciary duty, gross negligence or
8 incompetence if the act has a reasonable relationship to the person's
9 proposed area of licensure or registration.

10 (d) Is not currently incarcerated in or on community supervision
11 after a period of imprisonment in a local, state or federal penal
12 institution or on criminal probation.

13 (e) Has not engaged in fraud or misrepresentation in connection
14 with an application for licensure or registration under this chapter or an
15 examination required for licensure or registration.

16 (f) Has not, within five years of applying for licensure or
17 registration, had a license, registration or endorsement revoked or
18 suspended by the board or by the funeral services licensing authority of
19 any other jurisdiction.

20 (g) Has not surrendered a license, registration or endorsement to
21 the board or the funeral licensing authority of any other jurisdiction in
22 lieu of disciplinary action.

23 (h) Has not practiced funeral directing or embalming without a
24 license in this state or any other jurisdiction that requires licensure to
25 perform these activities.

26 28. "Holding facility" means a designated area for the retention of
27 human remains.

28 29. "Human remains" means a lifeless human body or parts of a human
29 body that allow a reasonable inference that death occurred.

30 30. "Intern" means a person who is licensed pursuant to this
31 chapter and who is engaged in either or both of the following:

32 (a) Embalming under the supervision of a licensed embalmer.

33 (b) Arranging and directing funerals under the supervision of a
34 licensed funeral director.

35 31. "Intern trainee" means a person who intends to enter training
36 as an intern and who is temporarily employed by a funeral establishment.

37 32. "License" means a written authorization that is issued by the
38 board and that EITHER:

39 (a) Entitles a person to act as a funeral director, AN embalmer, ~~OR~~
40 AN intern or A DRIVER OF A FUNERAL ESCORT VEHICLE OR MILITARY ESCORT
41 VEHICLE OR to operate a funeral establishment or crematory in this state.

42 (b) ~~ALLOWS A FUNERAL ESCORT VEHICLE OR MILITARY ESCORT VEHICLE TO~~
43 ~~OPERATE PURSUANT TO SECTION 28-776.~~

1 33. "Licensee" means a person to whom the board has issued a
2 license to act as a funeral director, embalmer or intern or to operate a
3 funeral establishment or crematory in this state.

4 34. "Manage" means:

5 (a) That a responsible funeral director exercises control and
6 oversight over all employees of a funeral establishment and over funeral
7 transactions, including the care of dead human bodies, funeral services
8 and activities and the documentation and retention of records.

9 (b) That a responsible cremationist exercises control and oversight
10 over all employees of a crematory and crematory operations.

11 35. "National board examination" means the test or tests given by
12 the conference of funeral service examining boards to determine the entry
13 level knowledge and skills of a person regarding funeral directing and
14 embalming.

15 36. "Net interest" means interest earned on a prearranged funeral
16 trust account minus applicable taxes, reasonable and necessary charges
17 made by the financial institution and the annual service fee allowed to be
18 deducted by the funeral establishment according to section 32-1391.06,
19 subsection B.

20 37. "Outer burial container" means a container that is designed for
21 placement in a grave around a casket, including burial vaults, grave boxes
22 and grave liners.

23 38. "Owner" means a person who owns ten percent or more of a
24 business entity. Owner does not include shareholders of companies who
25 have a class of common equity stock listed or authorized to be listed on
26 the New York stock exchange or the American stock exchange or listed on
27 the NASDAQ stock market.

28 39. "Person legally responsible" means the person responsible for
29 burying a dead body as determined in section 36-831.

30 40. "Prearranged funeral agreement" means any agreement or
31 combination of agreements under which a payment is made before the death
32 of the intended beneficiary for funeral goods and services to be delivered
33 or performed after the death of the beneficiary.

34 41. "Prearranged funeral trust account" means a trust account that
35 is established at a financial institution and into which all monies paid
36 on behalf of a beneficiary pursuant to a prearranged funeral agreement are
37 deposited.

38 42. "Preparation" means washing, shaving, dressing or arranging
39 hair on, applying cosmetics to or positioning bodily features on a dead
40 human body and placing THE dead human body in a casket.

41 43. "Processed cremated remains" means cremated remains after they
42 are pulverized and cleaned, leaving primarily small bone fragments.

43 44. "Provisionally accredited" means granted candidacy status by
44 the American board of funeral service education.

1 45. "Registration" means a written authorization that is issued by
2 the board and that entitles a person to act as an assistant funeral
3 director, an embalmer's assistant or a prearranged funeral salesperson in
4 this state.

5 46. "Responsible cremationist" means a licensed cremationist who
6 manages a crematory.

7 47. "Responsible funeral director" means a person who is licensed
8 pursuant to this chapter, who is engaged in funeral directing and who
9 manages and is accountable for a funeral establishment.

10 48. "Retort" means an enclosed space within which cremation takes
11 place.

12 49. "State equivalent examination" means the test or tests that are
13 provided by the conference of funeral service examining boards and offered
14 by the board to determine the entry level knowledge and skills of a person
15 regarding funeral directing and embalming.

16 50. "Supervise" or "supervision" means that a licensed embalmer has
17 responsibility for and is within sight and sound of a licensed intern who
18 is embalming a dead human body or a student who is assisting in embalming
19 a dead human body.

20 51. "Temporary container" means a receptacle that is usually made
21 of cardboard, rigid plastic or another similar material and that is
22 designed to hold processed cremated remains until they are placed in an
23 urn or another permanent container.

24 52. "Trust funds" means all monies that are deposited on behalf of
25 a beneficiary of a prearranged funeral agreement funded by trust and all
26 accrued net interest. Trust funds shall be considered an account kept in
27 suspense until distributed to the beneficiary, the funeral establishment
28 or the estate of the beneficiary in accordance with this article.

29 53. "Universal precautions" means the universal blood and fluid
30 precautions recommended by the centers for disease control of the United
31 States public health service to prevent the transmission of bloodborne and
32 bodily fluid-borne infectious diseases.

33 54. "Unprofessional conduct" includes the following acts, whether
34 occurring in this state or elsewhere:

35 (a) Committing a class 1 or 2 felony.

36 (b) Committing a felony or misdemeanor if the offense has a
37 reasonable relationship to funeral directing or embalming. Conviction by
38 any court of competent jurisdiction or a plea of no contest is conclusive
39 evidence of the commission.

40 (c) Providing false, misleading or deceptive information on an
41 application for licensure or registration pursuant to this chapter or on
42 an examination required for licensure or registration.

43 (d) Bribing or offering to bribe, directly or indirectly, a member
44 of the board to influence the member's actions in performing the member's
45 duties.

1 (e) Wilfully interfering with an embalmer, funeral director or
2 cremationist who has lawful custody of a dead human body in performing the
3 embalmer's, funeral director's or cremationist's duty to embalm or prepare
4 the body for burial, transportation or cremation.

5 (f) Paying or causing money or other valuable consideration to be
6 paid to a person, other than an employee of a funeral establishment, to
7 secure business regulated pursuant to this chapter from or through the
8 person.

9 (g) Violating any law of this state or any rule adopted by the
10 department of health services that relates to embalming or preparing dead
11 human bodies.

12 (h) Certifying falsely to having embalmed or prepared a dead human
13 body that was embalmed by a person other than a licensed embalmer making
14 the certification or an intern under the supervision of a licensed
15 embalmer making the certification.

16 (i) Falsely advertising or labeling any service or merchandise with
17 the intention of deceiving the public.

18 (j) Shipping or delivering any merchandise or supplies that are not
19 the substantial equivalent of or superior in quality to merchandise or
20 supplies previously presented to the purchaser as samples.

21 (k) Committing any act involving dishonesty, fraud,
22 misrepresentation, breach of fiduciary duty, gross negligence or
23 incompetence if the act has a reasonable relationship to funeral directing
24 or embalming.

25 (l) Engaging in any conduct or practice that is reasonably related
26 to funeral directing or embalming and that is or may be harmful or
27 dangerous to the health, safety or welfare of the public.

28 (m) Within a period of five years, having a license, registration
29 or endorsement suspended or revoked by the board or by the funeral
30 services licensing authority of any other jurisdiction or surrendering a
31 license, registration or endorsement in lieu of disciplinary action.

32 55. "Urn" means a receptacle into which processed cremated remains
33 are placed for disposition.

34 Sec. 4. Section 32-1307, Arizona Revised Statutes, is amended to
35 read:

36 32-1307. Powers and duties of board

37 A. The board shall:

38 1. Administer and enforce this chapter and the rules adopted
39 pursuant to this chapter.

40 2. Adopt a seal.

41 3. Maintain a record of the name and the mailing or employer's
42 business address of each licensee and registrant.

43 4. Investigate alleged violations of this chapter and the rules
44 adopted pursuant to this chapter.

5. ~~Adopt rules~~ In accordance with title 41, chapter 6, ~~ADOPT~~
~~rules adopted by the board shall~~ THAT include provisions relating to the
following:

(a) The keeping and disposition of records by licensees and registrants.

(b) Standards of practice, professional conduct, competence and consumer disclosure relating to owning or operating a funeral establishment or crematory, funeral directing, embalming and cremation.

(c) ~~The prohibition of~~ PROHIBITING deceptive, misleading or professionally negligent practices in advertising, offering or selling funeral goods or services by funeral establishments, crematories, licensees and registrants and agents of funeral establishments, crematories, licensees and registrants. The rules shall specifically prohibit misrepresentation of the legal requirements concerning ~~the preparation~~ PREPARING and ~~interment of~~ INTERRING dead human bodies.

(d) Standard price disclosure formats and price list requirements and definitions to facilitate price comparisons by members of the public.

(e) Guidelines to enable members of the public to determine the substantial equivalency of funeral goods available for sale to the public.

(f) Administrative and investigative procedures.

(g) ~~The efficient administration of~~ EFFICIENTLY ADMINISTERING the board's affairs and ~~the enforcement of the provisions of~~ ENFORCING this chapter.

(h) ~~The inspection of~~ INSPECTING all funeral establishments and crematories at least once every five years.

(i) LICENSING FUNERAL ESCORT VEHICLES AND MILITARY ESCORT VEHICLES PURSUANT TO SECTION 28-776.

(j) LICENSING DRIVERS OF FUNERAL ESCORT VEHICLES AND MILITARY ESCORT VEHICLES PURSUANT TO SECTION 32-1330.01.

~~(k)~~ (k) Any other matters the board deems necessary to carry out ~~the provisions of~~ this chapter.

B. The board may:

1. Subject to title 41, chapter 4, article 4, employ investigative, professional and clerical employees as it deems necessary to carry out this chapter. Compensation of these employees shall be determined pursuant to section 38-611.

2. Appoint citizen advisory committees to make recommendations to the board concerning ~~enforcement~~ ENFORCING and ~~the administration of~~ ADMINISTERING this chapter.

3. In connection with investigations or administrative hearings, issue subpoenas to compel the attendance of witnesses and the production of books, papers, contracts, agreements and other documents or records in any form, administer oaths and take testimony and evidence concerning all matters within its jurisdiction. The board may pay the fees and expenses of witnesses who appear in any proceeding before the board. If a person

1 refuses to obey a subpoena issued by the board, the board may invoke the
2 aid of any court in this state to require the attendance and testimony of
3 witnesses and the production of documentary evidence.

4 4. Contract with other state and federal agencies as it deems
5 necessary to carry out this chapter.

6 5. Charge reasonable fees ~~for the distribution of~~ TO DISTRIBUTE
7 materials that the board prints or has printed at its expense and for the
8 costs of mailing these materials.

9 6. Charge the reasonable costs of a fingerprint background check to
10 an applicant for licensure or registration.

11 Sec. 5. Section 32-1309, Arizona Revised Statutes, is amended to
12 read:

13 32-1309. Fees

14 A. The board shall establish and collect the following application
15 fees:

16 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

17 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

18 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
19 \$85.

20 4. For an intern license, ~~eighty-five dollars~~ \$85.

21 5. For a funeral director or embalmer license for a person who does
22 not reside in this state, ~~eighty-five dollars~~ \$85.

23 6. For a prearranged funeral salesperson registration, ~~eighty-five~~
24 ~~dollars~~ \$85.

25 7. For a funeral establishment license:

26 (a) For a new establishment, new owner or new location, ~~five~~
27 ~~hundred dollars~~ \$500.

28 (b) For a change of name, ~~one hundred seventy-five dollars~~ \$175.

29 8. For a prearranged funeral sales establishment endorsement, ~~one~~
30 ~~hundred eighty-five dollars~~ \$185.

31 9. For a crematory license:

32 (a) For a new crematory, new owner or new location, ~~one hundred~~
33 ~~dollars~~ \$100 per retort.

34 (b) For a change of name, ~~one hundred seventy-five dollars~~ \$175.

35 10. For a cremationist license, ~~eighty-five dollars~~ \$85.

36 B. The board shall establish and collect the following examination
37 fees:

38 1. For the funeral director state laws and rules examination,
39 ~~eighty dollars~~ \$80.

40 2. For the embalmer state laws and rules examination, ~~eighty~~
41 ~~dollars~~ \$80.

42 3. For the prearranged funeral salesperson state laws and rules
43 examination, ~~eighty dollars~~ \$80.

44 4. For the funeral service science section of the state equivalent
45 examination, ~~one hundred fifty dollars~~ \$150.

1 5. For the funeral service arts section of the state equivalent
2 examination, ~~one hundred fifty dollars~~ \$150.

3 C. The board shall establish and collect the following license and
4 registration issuance fees:

5 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

6 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

7 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
8 \$85.

9 4. For an intern license, ~~eighty-five dollars~~ \$85.

10 5. For a prearranged funeral salesperson registration, ~~eighty-five~~
11 ~~dollars~~ \$85.

12 6. For a cremationist license, ~~eighty-five dollars~~ \$85.

13 D. The board shall establish and collect the following renewal
14 fees:

15 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

16 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

17 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
18 \$85.

19 4. For an intern license, ~~eighty-five dollars~~ \$85.

20 5. For an assistant funeral director registration, ~~eighty-five~~
21 ~~dollars~~ \$85.

22 6. For a prearranged funeral salesperson registration, ~~eighty-five~~
23 ~~dollars~~ \$85.

24 7. For an establishment license, ~~four dollars~~ \$4 for each
25 disposition performed by the establishment during the immediately
26 preceding calendar year. For the purposes of this paragraph, a funeral
27 establishment performs a disposition each time the establishment files a
28 death certificate pursuant to section 36-325.

29 8. For a prearranged funeral sales establishment endorsement, ~~one~~
30 ~~hundred eighty-five dollars~~ \$185.

31 9. For a crematory license, ~~two hundred dollars~~ \$200 per retort.

32 10. For a cremationist license, ~~eighty-five dollars~~ \$85.

33 E. The board shall establish and collect the following fees:

34 1. For a duplicate license or registration, ~~twenty-five dollars~~
35 \$25.

36 2. For a reexamination:

37 (a) For a state laws and rules examination, ~~fifty dollars~~ \$50.

38 (b) For the funeral service science section or the funeral service
39 arts section of the state equivalent examination, ~~sixty-five dollars~~ \$65.

40 3. For late renewal of a licensee or registration, ~~thirty-five~~
41 ~~dollars~~ \$35.

42 4. For late renewal of an establishment license or endorsement,
43 ~~sixty dollars~~ \$60.

44 5. For inactive licensure or registration, ~~twenty-five dollars~~ \$25.

45 6. For reinstatement of an inactive license, ~~fifty dollars~~ \$50.

1 7. For reinstatement of an inactive registration, ~~one hundred~~
2 ~~thirty dollars~~ \$130.

3 8. For an interim funeral establishment permit, ~~twenty-five dollars~~
4 \$25.

5 9. For filing an annual trust report, a fee of not more than ~~two~~
6 ~~hundred dollars~~ \$200.

7 10. For filing a late or incomplete annual trust report, a penalty
8 of not more than ~~two hundred dollars~~ \$200.

9 F. The board may establish and collect a fee for intern trainees in
10 an amount to be determined by the board.

11 G. THE BOARD MAY ESTABLISH AND COLLECT A FEE FOR LICENSING FUNERAL
12 ESCORT VEHICLES, MILITARY ESCORT VEHICLES, DRIVERS OF FUNERAL ESCORT
13 VEHICLES AND DRIVERS OF MILITARY ESCORT VEHICLES IN AN AMOUNT TO BE
14 DETERMINED BY THE BOARD.

15 Sec. 6. Title 32, chapter 12, article 2, Arizona Revised Statutes,
16 is amended by adding section 32-1330.01, to read:

17 32-1330.01. Licensure; funeral escort vehicles; military
18 escort vehicles; drivers

19 A. THE BOARD SHALL LICENSE FUNERAL ESCORT VEHICLES, MILITARY ESCORT
20 VEHICLES, DRIVERS OF FUNERAL ESCORT VEHICLES AND DRIVERS OF MILITARY
21 ESCORT VEHICLES IN A MANNER AS PRESCRIBED BY THE BOARD BY RULE.

22 B. THE BOARD SHALL ISSUE A LICENSE TO A DRIVER OF A FUNERAL ESCORT
23 VEHICLE ONLY IF THE APPLICANT:

24 1. WORKS FOR A FUNERAL ESCORT BUSINESS.

25 2. MEETS THE OTHER REQUIREMENTS PRESCRIBED BY THE BOARD.

26 C. THE BOARD SHALL ISSUE A LICENSE TO A DRIVER OF A MILITARY ESCORT
27 VEHICLE ONLY IF THE APPLICANT:

28 1. IS AFFILIATED WITH A NONPROFIT CORPORATION THAT PROVIDES
29 MILITARY PROCESSIONS.

30 2. MEETS THE OTHER REQUIREMENTS PRESCRIBED BY THE BOARD.

31 Sec. 7. Exemption from rulemaking

32 For the purposes of this act, the state board of funeral directors
33 and embalmers is exempt from the rulemaking requirements of title 41,
34 chapter 6, Arizona Revised Statutes, for one year after the effective date
35 of this act.