
Rules of
Department of Economic
Development
Division 120—State Board of Embalmers
and Funeral Directors
Chapter 3—Preneed

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 120—State Board of
Embalmers and Funeral Directors
Chapter 3—Preneed**

4 CSR 120-3.010 Preneed Seller Registration

PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to register persons as preneed sellers. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed sellers.

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Applications for registration as preneed sellers must be made on the forms provided by the board and must be accompanied by the applicable preneed seller registration fee.

(3) The board office will contact persons who have submitted applications for registration as preneed sellers whenever it appears that a slight change or modification on the form is necessary to accomplish registration. No such change or modification will be made without the consent of the person submitting the application. If telephone contact is impossible, the application form and the tendered seller registration fee will be returned to the applicant with instructions for completing the form properly.

(4) The board office will accept seller registration applications even though certain information is not provided, if the application is accompanied by a statement that the information will be provided as soon as it is known to the applicant. If the information is not provided in a timely fashion, the registration will be cancelled.

(5) Each person seeking registration as a preneed seller will be required to submit a partial annual report at the time of registration, containing—1) the name and address of the financial institution in Missouri in which it will maintain the trust accounts required under Chapter 436, RSMo and the account numbers of those trust accounts, 2) a consent authorizing the state board to order an exam-

ination and, if necessary, an audit by the staff of the Division of Professional Registration who are not connected with the state board, of the trust account designated by depository and account number and 3) a consent authorizing the state board to order an examination and, if necessary, an audit by the staff of the Division of Professional Registration who are not connected with the state board, of its books and records relating to the sale of preneed contracts and name and address of the person designated by the seller as custodian of those books and records.

(6) The board will acknowledge receipt of each application for registration as a preneed seller if the application is completed properly and is accompanied by the preneed registration fee. A registration number will be assigned.

(7) Application forms for registration as preneed contract sellers will be provided to any person upon request.

AUTHORITY: section 333.III.1., RSMo 1986. Original rule filed Jan. 7, 1983, effective June 11, 1983.*

**Original authority: 333.III.1., RSMo 1965, amended 1981.*

4 CSR 120-3.020 Preneed Provider Registration

PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to register persons as preneed providers. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed providers.

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Applications for registration as preneed providers must be made on the forms provided by the board and must be accompanied by the applicable preneed provider registration fee.

(3) The board office will contact persons who have submitted applications for registration as preneed providers whenever it appears that a slight change or modification on the form is

necessary to accomplish registration. No such change or modification will be made without the consent of the person submitting the application. If telephone contact is impossible, the application form and the tendered provider registration fee will be returned to the applicant with instructions for completing the form properly.

(4) The board office will accept provider registration applications even though certain information is not provided, if the application is accompanied by a statement that the information will be provided as soon as it is known to the applicant. If the information is not provided in a timely fashion, the provider registration will be cancelled.

(5) Each establishment which is licensed separately by the state board as a funeral establishment must register separately as a preneed provider, if the establishment will perform or agree to perform the obligations of, or be designated as, the provider under a preneed contract. Nothing in this rule will require registration of funeral establishments as preneed providers if the establishment will not perform or agree to perform the obligations of, or be designated as, the provider under a preneed contract.

(6) The board will acknowledge receipt of each application for registration as a preneed provider, if the application is completed properly and is accompanied by the preneed provider registration fee. A registration number will be assigned.

(7) Application forms for registration as preneed providers will be provided to any person upon request.

AUTHORITY: section 333.III.1., RSMo 1986. Original rule filed Jan. 7, 1983, effective June 11, 1983.*

**Original authority: 333.III.1., RSMo 1965, amended 1981.*

4 CSR 120-3.030 Notification of Intent to Sell Assets or Cease Doing Business (Seller or Provider)

PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to accept notification of intent to sell assets or cease doing business from persons registered as preneed sellers or preneed providers, or both. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction



of its business. . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in accepting notifications of intent to sell assets or cease doing business from registered preneed sellers or providers, or both.

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Notification of intent to sell assets or cease doing business must be made on the forms provided by the board.

(3) As part of the notification, each registered seller must inform the board of the actions it has taken or will take to ensure that the trust assets of the seller will be set aside and used to serve outstanding preneed contracts sold by the seller and each registered provider must inform the board of the actions it has taken or will take to ensure that the provider’s obligations under preneed contracts will be satisfied.

(4) In its discretion, the board may take reasonable and necessary actions to ensure that the provider’s obligations under preneed contracts will be satisfied or that the trust assets of the seller will be set aside and used to service outstanding preneed contracts sold by the seller.

(5) Failure of the board to take action regarding any sale or termination of business within thirty (30) days of receipt of notification for providers and within sixty (60) days of receipt of notification for sellers will constitute a waiver of the board’s authority under Chapter 436, RSMo.

(6) Forms for submitting notifications of intent to sell assets or cease doing business will be provided upon request.

AUTHORITY: section 333.III.1, RSMo 1986. Original rule filed Jan. 7, 1983, effective June 11, 1983.*

**Original authority: 333.III.1, RSMo 1965, amended 1981.*



STATE OF MISSOURI
 STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
NOTIFICATION OF INTENT TO SELL ASSETS OR CEASE DOING BUSINESS (SELLER)

SELLER NAME (AS REGISTERED WITH MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS)

REGISTRATION NUMBER	ISSUE DATE
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At least sixty days prior to selling or otherwise disposing of its business assets, or its stock if a corporation, or ceasing to do business, the above named seller hereby informs the State Board of Embalmers and Funeral Directors of its intent to:

- Sell the business assets of the seller.
- Sell the stock in the seller corporation. Please indicate the percentage of the stock being sold _____ %.
- Cease business as a seller.
- Other. Please explain: _____

THIS TRANSACTION IS EXPECTED TO BECOME FINAL ON ► _____ 19

IF THIS NOTIFICATION INVOLVES THE SALE OF ASSETS OR STOCK, PLEASE COMPLETE THE NAME AND ADDRESS OF THE INTENDED PURCHASER BELOW:

NAME	ADDRESS
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The above named seller has taken or will take action to ensure that the trust assets of the seller will be set aside and used to service outstanding preneed contracts sold by the seller. I understand that the State Board of Embalmers and Funeral Directors may take reasonable and necessary action to determine that proper plans to assure that the assets of the seller will be set aside and used to service outstanding preneed contracts sold by seller. If applicable, I have attached hereto an affidavit from a registered seller who has agreed to assume the seller's responsibility under the preneed contracts.

I do hereby certify that I have given written notification of my intentions expressed herein to all providers with whom seller has one or more preneed contracts.

MUST BE COMPLETED IN PRESENCE OF NOTARY <small>NOTARY PUBLIC EMBOSSER SEAL</small>	SIGNATURE AND TITLE ►		DATE
	STATE OF		COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19		
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	USE RUBBER STAMP IN CLEAR AREA BELOW.
NOTARY PUBLIC NAME (TYPED OR PRINTED)			



STATE OF MISSOURI
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
NOTIFICATION OF INTENT TO SELL ASSETS OR CEASE DOING BUSINESS (PROVIDER)

PROVIDER NAME (AS REGISTERED WITH MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS)

REGISTRATION NUMBER _____ ISSUE DATE _____

At least 30 days prior to selling or otherwise disposing of its business assets, or its stock if a corporation, or ceasing to do business, the above named provider hereby informs the State Board of Embalmers and Funeral Directors of its intent to:

- Sell the business assets of the provider.
- Sell the stock in the provider corporation. Please indicate the percentage of the stock being sold _____ %.
- Cease business as a provider.
- Other. Please explain: _____

THIS TRANSACTION IS EXPECTED TO BECOME FINAL ON ► _____ 19

IF THIS NOTIFICATION INVOLVES THE SALE OF ASSETS OR STOCK, PLEASE COMPLETE THE NAME AND ADDRESS OF THE INTENDED PURCHASER BELOW:

NAME _____ ADDRESS _____

The above named provider has taken or will take action to ensure that all outstanding preneed contracts which the provider is obligated to service will be satisfied at the time of need. I understand that the State Board of Embalmers and Funeral Directors may take reasonable and necessary action to determine that any outstanding preneed contracts which the provider is obligated to service will be satisfied at the time of need. If applicable, I have attached hereto an affidavit from a registered provider who has agreed to assume such obligation.

I do hereby certify that I have given written notification of my intentions expressed herein to all sellers with whom provider has one or more preneed contracts.

MUST BE COMPLETED IN PRESENCE OF NOTARY	SIGNATURE AND TITLE ► _____		DATE _____
	NOTARY PUBLIC EMBOSSEER SEAL	STATE OF _____	COUNTY (OR CITY OF ST. LOUIS) _____
		SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19	USE RUBBER STAMP IN CLEAR AREA BELOW.
		NOTARY PUBLIC SIGNATURE _____ MY COMMISSION EXPIRES _____	
	NOTARY PUBLIC NAME (TYPED OR PRINTED) _____		

4 CSR 120-3.040 Preneed Complaint Handling and Disposition Procedure

(Rescinded November 12, 1987)

AUTHORITY: section 333. III.1, RSMo 1986. Original rule filed March 13, 1984, effective Aug. 11, 1984. Rescinded: Filed Aug. 26, 1987, effective Nov. 12, 1987.