



CHAPTER 65
ARTICLE 9 - NORTH CAROLINA CEMETERY ACT

N.C.G.S. § 65-53.

Powers.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-68, s. 2 — twelfth act in the lineage	RETRIEVED 21 September 2026, 04:44 UTC	SOURCE FINGERPRINT 7a50f798004af9a7286e4c29 - ced161810eda0ddebd108a8b - e66e58acec120344
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In addition to other powers conferred by this Article, the Cemetery Commission shall have the following powers and duties:

To employ staff, including legal counsel, as may be necessary to perform its duties and determine the compensation of its employees.

To examine a cemetery company's records when a person applies for a change of control of the company.

Investigate, upon its own initiative or upon a verified complaint in writing, the actions of any person engaged in the business or acting in the capacity of a licensee under this Article. The license of a licensee may be revoked or suspended for a period not exceeding two years, or until compliance with a lawful order imposed in the final order of suspension, or both, where the licensee in performing or attempting to perform any of the acts specified in this Article has been guilty of:

- a.Failing to pay the fees required herein;
- b.Failing to make any reports required by this Article;
- c.Failing to remit to the care and maintenance trust fund, merchandise trust fund, or preconstruction trust fund the required amounts;
- d.Making any substantial misrepresentation;
- e.Making any false statement of a character likely to influence or persuade;
- f.A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen;
- g.Violating any provision of this Article or rule promulgated by the Commission; or

h. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

To hold hearings in accordance with the provisions of this Article and Article 3A of Chapter 150B of the General Statutes to subpoena witnesses and to administer oaths to or receive the affirmation of witnesses before the Commission.

In any show cause hearing before the Commission held under the authority of Article 3A of Chapter 150B of the General Statutes where the Commission imposes discipline against a licensee, the Commission may recover the costs, other than attorneys' fees, of holding the hearing against all respondents jointly, not to exceed two thousand five hundred dollars (\$2,500).

To apply to the courts, in its own name, for injunctive relief to prevent violations of this Article or violations of any rules adopted pursuant to this Article. Any court may grant injunctive relief regardless of whether criminal prosecution or any other action is instituted as a result of the violation. A single violation is sufficient to invoke the injunctive relief under this subdivision. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper; provided, that before any such action is brought the Commission shall give the cemetery at least 20 days' notice in writing, stating the alleged violation and giving the cemetery an opportunity within the 20-day period to cure the violation. In addition to all other means provided by law for the enforcement of a temporary restraining order, temporary injunction, or permanent injunction, the court shall have the power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records appertaining thereto or so much thereof as the court may deem reasonably necessary to prevent further violation of this Article through or by means of the use of said property and business. The Commission may institute proceedings against the cemetery or its officers, whereafter an examination, pursuant to this Article, a shortage in the care and maintenance trust fund, merchandise trust fund or mausoleum and belowground crypts preconstruction trust fund is discovered, to recover said shortage.

Whenever any special additional audit or examination of a licensee's premises, facilities, books or records is necessary because of the failure of the licensee to comply with the requirements imposed in this Article or by the rules and regulations of the Commission, to charge a fee based on the cost of the special examination or audit, taking into consideration the salary of any employees involved in the special audit or examination and any expenses incurred.

To promulgate rules and regulations requiring licensees to file with the Commission plans and specifications for the minimum quality of any product sold. The sale of any product for which plans and specifications required by the rules and regulations have not been filed or sale of any product of a lesser quality than the plans and specifications filed with the Commission is a violation of this Article.

To promulgate rules and regulations establishing minimum standards for the care and maintenance of cemeteries. The rules and regulations shall provide that if, after an investigation conducted as authorized by subdivision (3) of this section, the licensee is found in violation of the minimum standards for care and maintenance, the Commission in collaboration with the North Carolina Cemetery Association may, in addition to revoking or suspending the license of the licensee, as authorized by subdivision (3) of this section, impose a civil penalty of fifty dollars (\$50.00) to be recovered in a civil action in the nature of debt if the licensee does not pay the penalty within a prescribed period of time which shall not exceed 30 days. Each day's continuing violation shall be a separate and distinct offense; provided, however, before a penalty may be imposed under this subdivision, the Commission shall give the licensee at least 10 days' notice in writing stating the alleged violation of the minimum standards for care and maintenance and giving the licensee an opportunity within the 20-day period following the issuance of the notice to cure the violation. The clear proceeds of civil penalties imposed pursuant to this subdivision shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

When the Commission finds that failure by a licensee to maintain a cemetery properly has caused that cemetery to be a public nuisance or a health or safety hazard, the Commission may bring an action for injunctive relief, against the responsible licensee, in the superior court of the county in which the cemetery or any part thereof is located.

To acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Commission for an encumbrance is limited to the assets, incomes, and resources of the Commission.

To purchase, rent, or lease equipment and supplies and purchase liability insurance to cover the activities of the Commission, its operations, or its employees.

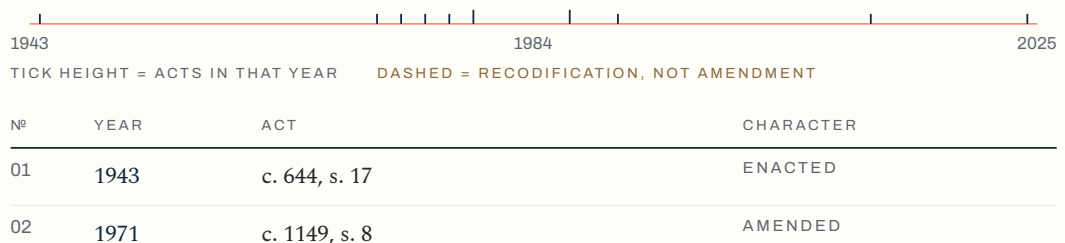
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
12 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



03	1973	c. 732, s. 2	AMENDED
04	1975	c. 768, s. 1	AMENDED
05	1977	c. 686, ss. 4-6	AMENDED
06	1979	c. 888, ss. 1-3	AMENDED
07	1979	1981 (Reg. Sess., 1982), c. 1153	AMENDED
08	1987	c. 488, s. 8	AMENDED
09	1987	c. 827, s. 1	AMENDED
10	1991	c. 653, s. 3	AMENDED
11	2012	S.L. 2012-120, s. 3(d)	AMENDED
12	2025	S.L. 2025-68, s. 2	AMENDED

APPARATUS II
1 AUTHORITY

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 115C-457.2	(null)(7a)	<i>"and Forfeiture Fund in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 65-53 (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1943, c. 644, s. 17; 1971, c. 1149, s. 8; 1973, c. 732, s. 2; 1975, c. 768, s. 1; 1977, c. 686, ss. 4-6; 1979, c. 888, ss. 1-3; 1981 (Reg. Sess., 1982), c. 1153; 1987, c. 488, s. 8; c. 827, s. 1; 1991, c. 653, s. 3; 2012-120, s. 3(d); 2025-68, s. 2.)

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