What is the charge for issuing a permit to entomb or move a body, and who is authorized to issue a burial permit?

Prior to 1999, the fee charged to a person requesting a certificate to "bury, entomb or move a dead body" was \$1.00. Last year, however, the Legislature amended the law by increasing the basic burial permit fee to \$5.00 and allowing a \$1.00 fee to be charged to persons requesting a copy of a burial certificate that had already been issued. 32 V.S.A. \$1714. Sounds simple, right? Wrong. To the inexperienced eye, \$1714 isn't really that clear, and because the League and the Division of Vital Records have received numerous calls requesting clarification of this provision, we thought we should try to explain how this process works.

First, a dead body cannot be buried, entombed or removed from a town, or otherwise disposed of, without a burial-transit permit issued and signed by "the town clerk, or his or her deputy or a law enforcement officer". 18 V.S.A. §5201(a). Annually (within five days after the clerk's election or appointment), the town clerk is required to appoint one or more deputy registrars who can then issue burial-transit certificates on the clerk's behalf. Deputies are appointed so that someone is available to issue burial-transit permits at times when the town clerk's office is closed. The law does not specify who can be appointed as a deputy, but quite often the deputy registrars are funeral directors. As mentioned above, by statute (not appointment by clerk) any law enforcement officer is also authorized to issue burial-transit permits. "Law enforcement officers" include: municipal and state police; motor vehicle inspectors; liquor control employees; town constables, sheriffs or deputy sheriffs and members of public safety department who exercise law enforcement powers; fish and game warden; a full-time state investigator employed by the attorney general; and, a railroad police officer. 20 V.S.A. §2358(c)(1).

Generally, the process for obtaining the burial-transit permit is as follows. A death certificate is presented by the funeral director to the town clerk or his or her deputy registrar with a request for a burial-transit permit and payment of the \$5.00 fee. The burial-transit permit is issued. Note that if the funeral director (or other person) is also a deputy registrar, he or she has the authority to acknowledge receipt of the death certificate and sign the burial permit on behalf of the town clerk. Then, the deputy registrar forwards for filing the certificate and the burial permit to the town clerk represented by the deputy. If the body will be buried in another town, the burial-transit permit is filed with the clerk of that town but no fee is paid to that clerk, since the fee is paid to the person issuing the burial permit. It is not uncommon – especially during the winter months in Vermont – that a certificate to bury or entomb a body is issued, but the body is held until spring for burial. In these cases, because the burial-transit permit must follow the body wherever it goes until it is properly disposed, a second certificate is later required. This additional certificate, which is issued just prior to the burial or disposal of the body, is actually a copy of the original burial-transit permit. The fee for issuing this certificate is \$1.00 and is payable to the town. 32 V.S.A. §1714.