

Defined terms: "Cemetery" § 5-101

"Cemetery owner" § 5-301

"County" § 1-101

"Trust fund" § 5-301

5-307. ENFORCEMENT.

(A) FOR VIOLATION OF SUBTITLE OR REGULATION.

IF THE SECRETARY OF STATE FINDS THAT A CEMETERY OWNER SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE HAS VIOLATED THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE, THE SECRETARY OF STATE MAY REFER THE MATTER TO:

(1) THE ATTORNEY GENERAL FOR CIVIL ENFORCEMENT; OR

(2) THE APPROPRIATE STATE'S ATTORNEY FOR CRIMINAL PROSECUTION.

(B) POWER OF ATTORNEY GENERAL.

THE ATTORNEY GENERAL MAY SUE FOR AND A COURT MAY GRANT:

(1) INJUNCTIVE OR OTHER EQUITABLE RELIEF;

(2) IMPOSITION OF A CIVIL PENALTY NOT EXCEEDING \$5,000;

OR

(3) BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 165A(n).

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that new language is added to the introductory language of subsection (b) of this section to state what only was implied in the former law; i.e., the court may grant the relief sued for.

Defined term: "Cemetery owner" § 5-301

5-308. PROHIBITED ACT.

A CEMETERY OWNER MAY NOT SELL OR OFFER TO SELL TO A MEMBER OF THE PUBLIC A BURIAL LOT OR BURIAL RIGHT IN A CEMETERY AND REPRESENT TO THE PUBLIC IN ANY WAY, EXPRESS OR IMPLIED, THAT THE CEMETERY OR THE BURIAL LOT OR BURIAL RIGHT IN THE CEMETERY WILL HAVE PERPETUAL CARE UNLESS THE CEMETERY OWNER HAS PROVIDED ADEQUATELY FOR THAT PERPETUAL CARE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 165A(a).