

(11) "Preneed burial contract" means any instrument in writing dated on or after October 1, 1984, pursuant to which preneed goods and services are to be sold and delivered or performed.

(12) "Cemetery" means any land or structure used or to be used for the interment or other disposition of human remains.

(b) Except as provided in this section, a person either directly or indirectly, through an agent or otherwise, may not offer to sell or sell preneed goods and services if delivery of such goods, other than for incidental additions to be made thereto such as dates, scrolls, or other supplementary matter representing not more than 10 percent of the total contract price, or performance of such services may be delayed later than 120 days after the receipt of any payment on account of such sale.

(c) (1) Except as provided [herein] IN THIS SUBSECTION, a contract entered into may not contain any interest or finance charges.

(i) A cemetery entering into a contract for the sale of goods or services may impose an interest or finance charge for any goods delivered or services performed prior to need or death.

(ii) A cemetery may sell a contract for the sale of goods or services to a commercial lending institution provided the contract signed by the original purchaser of the goods or services contains the following clause in 12-point type or larger:

"Notice to consumers: This contract of sale may be sold to a commercial lending institution. Upon such sale an interest or finance charge on the remaining balance due may be imposed by the purchaser of this contract."

(2) Any preneed burial contract in which the goods and services are not to be delivered or performed within 120 days after receipt of payment shall have a portion of the payments received placed in a trust account as provided in subparagraph (3) of this subsection.

(3) Payments received for goods and services that are not to be delivered within 120 days after receipt of payment are subject to the following escrow requirements:

(i) The seller shall not be required to escrow the first 50% of the total retail contract price.

(ii) The seller shall be required to escrow the second 50% of the total retail contract price as payments [thereon] ON THE RETAIL CONTRACT are received from the buyer.

(iii) Within 30 days following receipt of the last payment on the contract price, the seller shall deposit an additional sum to make the balance in the escrow account sufficient to equal [67%] 55% of the total retail price of the contract.

(4) In any preneed burial contract where delivery of the goods and services are delivered or performed within 120 days after receipt of the first 50% of the total