

(II) THE BUSINESS OF THE SELLER IS DISCONTINUED;

(III) THE SELLER IS UNABLE TO PERFORM UNDER THE TERMS AND CONDITIONS OF THE PRE-NEED CONTRACT; OR

(IV) THE BUYER FAILS TO PAY THE ENTIRE CONTRACT PRICE BEFORE THE DEATH OF THE BENEFICIARY, AND THE SELLER CONSIDERS THE PRE-NEED CONTRACT VOID.

(F) SCOPE OF SECTION.

(1) A PRE-NEED CONTRACT IS NOT SUBJECT TO THE RETAIL INSTALLMENT SALES ACT.

(2) THE MAKING OF A PRE-NEED CONTRACT BY A LICENSED MORTICIAN IS NOT THE PRACTICE OF INSURANCE BUSINESS.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 366A(a), (c), (d), (e), and (g).

In subsection (d)(1)(i) of this section, "banking institution" is substituted for "bank, trust company" in accordance with the terminology used in FI § 1-101. The General Assembly may wish to consider what institutions were intended to be included, e.g., national banking associations, credit unions, etc.

As to subsection (e)(3) of this section, the General Assembly may wish to clarify if the term "legal representative" is intended to include "personal representative" or any other agency relationship.

The reference in present Art. 43, § 366A(d) to a seller maintaining a balance on deposit that equals the total amount of all pre-need contract payments and interest received is deleted as unnecessary in light of the provisions of subsections (d)(1) and (3) and (e)(2) of this section.

Present Art. 43, § 366A(f) now appears in §§ 6-504 and 6-508 of this title.

It is not clear what class of individuals the General Assembly intended to regulate in present Art. 43, § 366A(a) and (b).

Present Art. 43, § 366A(b) defines a "pre-need contract" as one in which a "seller" agrees to provide certain goods and services. Present Art. 43, § 366A(a) defines "seller" as a licensed