

~~(II) LICENSE SUSPENSION; OR~~

~~(III) REVOCATION OF A LICENSE TO PRACTICE MORTUARY SCIENCE AND PROVIDE FUNERAL SERVICES.~~

~~(F) THE TRUSTEES APPOINTED UNDER SUBSECTION (D) (2) OF THIS SECTION SHALL:~~

~~(1) RECEIVE CONTRIBUTIONS TO THE FUND; AND~~

~~(2) MANAGE THE ASSETS OF THE FUND.~~

~~(G) THE FUND SHALL BE USED TO REIMBURSE A CONSUMER FOR A LOSS THAT WAS CAUSED BY A DEFALCATION OF A LICENSEE IF:~~

~~(1) THE TRUSTEES CONSIDER REIMBURSEMENT PROPER AND REASONABLE; AND~~

~~(2) (I) THE LICENSEE CAUSED THE LOSS WHILE UNDER A CONTRACTUAL OBLIGATION TO PROVIDE SERVICES TO THE CONSUMER; AND~~

~~(II) THE CONSUMER CANNOT RECOVER THE MONEY UNDER A BOND.~~

~~(H) THE TRUSTEES SHALL DETERMINE THE AMOUNT OF REIMBURSEMENT TO THE CONSUMER AFTER TAKING INTO CONSIDERATION THE AMOUNT OF MONEY IN THE FUND AND ANY ANTICIPATED CLAIMS AGAINST THE FUND.~~

~~(I) THE TRUSTEES MAY ENFORCE A CLAIM FOR RESTITUTION ARISING BY SUBROGATION, ASSIGNMENT, OR OTHERWISE AGAINST ANY PERSON WHOSE ACTIONS GAVE RISE TO A CLAIM THAT THE FUND PAYS.~~

~~(J) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.~~

~~(K) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved April 26, 2005.