

(3) where burial lots have been outlined on a plat or in a record or sales brochure.

(b) (1) Each SOLE PROPRIETOR registered cemeterian or permit holder who sells or offers to sell to the public a burial lot or burial right in a cemetery as to which perpetual care is stated or implied shall have a perpetual care trust fund.

(2) A separate perpetual care trust fund shall be established for each cemetery to which this section applies.

(3) A CEMETERY CREATED IN THE STATE AFTER OCTOBER 1, 2001, THAT IS NOT EXEMPT UNDER § 5-601 OF THIS SUBTITLE SHALL BE REQUIRED TO ESTABLISH A PERPETUAL CARE TRUST FUND.

(c) Each SOLE PROPRIETOR registered cemeterian or permit holder initially shall deposit in the perpetual care trust fund at least:

(1) \$10,000, if the developed land area of the cemetery is 10 acres or less;  
or

(2) \$25,000, if the developed land area of the cemetery is more than 10 acres.

(d) (1) The deposits required by this subsection are in addition to the deposits required by subsection (c) of this section.

(2) Except as provided in paragraph (3) of this subsection, within 30 days after the end of the month when the buyer of a burial lot, above-ground crypt, niche, or burial right makes a final payment, the registered cemeterian or permit holder shall pay in cash to the trustee for deposit in the perpetual care trust fund at least the greater of:

(i) 10% of the selling price of each burial lot, above-ground crypt, niche, or burial right sold; or

(ii) 35 cents for each square foot of land burial space.

(3) This subsection does not apply to the resale of a burial lot, above-ground crypt, niche, or burial right for which the cemetery already has paid into the perpetual care trust fund the deposit required by this subsection.

(e) The income from the perpetual care trust fund:

(1) shall be used only for the perpetual care of the cemetery, including:

(i) the maintenance, administration, supervision, and embellishment of the cemetery and its grounds, roads, and paths; and

(ii) the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery; and

(2) may not be used to care for memorials or monuments.