

"Preneed services" § 5-401
"Seller" § 5-401
"Specific funds" § 5-401
"Trust account" § 5-401

5-411. ENFORCEMENT.

(A) FOR VIOLATION OF SUBTITLE OR REGULATION.

IF THE SECRETARY OF STATE FINDS THAT A SELLER 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, § 165C(b).

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: "Seller" § 5-401

5-412. PROHIBITED ACT.

(A) FAILURE TO DEPOSIT MONEY.

A SELLER MAY NOT FAIL TO DEPOSIT, AS REQUIRED BY THIS SUBTITLE, MONEY RECEIVED UNDER OR IN CONNECTION WITH A PRENEED BURIAL CONTRACT.

(B) PENALTY.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.