

(3) THE BOARD MAY NOT ISSUE A RENEWAL FUNERAL ESTABLISHMENT LICENSE IF THE FUNERAL ESTABLISHMENT HAS NOT PAID THE FEE REQUIRED UNDER THIS SUBSECTION.

7-4A-06.

(A) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, A PERSON MAY RECOVER COMPENSATION FROM THE FUND FOR AN ACTUAL PRE-NEED TRUST FUND LOSS THAT OCCURRED ON OR AFTER JANUARY 1, 2010, AND IS BASED ON AN ACT OR OMISSION AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(B) A CLAIM FOR THE LOSS SHALL:

(1) BE BASED ON AN ACT OR OMISSION THAT OCCURS IN THE PROVISION OF FUNERAL PRE-NEED SERVICES BY:

(I) A LICENSED MORTICIAN;

(II) A LICENSED FUNERAL DIRECTOR;

(III) A LICENSED APPRENTICE MORTICIAN;

(IV) A LICENSED APPRENTICE FUNERAL DIRECTOR; OR

(V) AN UNLICENSED EMPLOYEE OF A LICENSED FUNERAL ESTABLISHMENT;

(2) INVOLVE A TRANSACTION THAT RELATES TO PRE-NEED FUNERAL PLANNING THAT OCCURRED IN THE STATE; AND

(3) BE BASED ON AN ACT OR OMISSION:

(I) IN WHICH PRE-NEED MONEY IS OBTAINED FROM A PERSON BY THEFT, EMBEZZLEMENT, FALSE PRETENSES, OR FORGERY; OR

(II) THAT CONSTITUTES FRAUD OR MISREPRESENTATION.

(C) THE AMOUNT RECOVERED FOR ANY CLAIM AGAINST THE FUND:

(1) MAY NOT EXCEED THE ACTUAL MONETARY LOSS SUFFERED;

AND