

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**

Bill No. CB-82-1997
 Chapter No. 76
 Proposed and Presented by Council Member Bailey
 Introduced by Council Member Bailey
 Co-Sponsors
 Date of Introduction October 21, 1997

BILL

AN ACT concerning

Consumer Protection

For the purpose of requiring disclosure of information regarding burial sites and establishing regulations and standards of operation.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Section 2-146,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 2-146 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.**DIVISION 8. CONSUMER PROTECTION.****Subdivision 1. General.****Sec. 2-146. Unlawful practices.**

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(c) In addition to Section 2-146(a), the following practices are declared to be unlawful in connection with the ownership and/or management of cemeteries. In determination of unreasonableness as provided for and required herein, the Director shall, among other factors,

consider the practices, policies, rules, regulations, or prices of services of other cemetery authorities in Prince George's County and the Washington and Baltimore Metropolitan Areas and any model rules and regulations recommended by the collective action of the cemetery authorities in Prince George's County:

(1) The establishment by the cemetery authority of any unreasonable policies, practices, rules, regulations or prices of services for the use, care, management or protection of the property of the cemetery authority and its burial sites;

(2) The establishment of any unreasonable policies, practices, rules, regulations or price structures that discriminate against any racial, ethnic or religious group;

(3) The use of a contract of sale for burial rights that is not plainly printed or typewritten and retained, subject to inspection in the office of the cemetery authority and available to the consumer upon request, or the failure to provide, prior to the execution of a contract of sale, a current copy of the policies, practices, rules or regulations and price structures for services of the cemetery;

(4) Failure to file by June 1 of each year, an accurate and fully disclosed statement listing all policies, practices, rules, regulations and pricing structures for services with the [Consumer Protection Commission] Office of Business and Regulatory Affairs and failing to inform the [Commission] Director within thirty (30) days of any change in this report;

(5) Failure to allow the owner(s) of [a plot, lot or] burial rights in a cemetery [or the owner(s) of a large section of plots or burial rights in a cemetery] or the owner of cemetery goods and services to transfer, sell or convey the same to any person or association, provided however, that nothing herein shall preclude the cemetery authority from placing reasonable restrictions on resale if said restrictions are included in the owner's sales contract [or] and the cemeteries' rules and regulations. This paragraph shall not be applicable to those cemeteries owned and operated by municipal corporations;

(6) The gross neglect of uniform maintenance by the cemetery authority of all of those sections of the cemetery used for interment, provided that the cemetery authority has responsibility for such maintenance as a result of contract or receipt of perpetual or annual

care income which is not being used for maintenance, or when such maintenance is required to correct damages caused by an act of the cemetery authority;

(7) Where an annual maintenance and/or perpetual fund exists, the refusal to make available an annual and accurate account of such fund to those owners of burial sites for which provision is made for annual maintenance or perpetual care funding;

(8) Failure by a cemetery authority to inform a consumer [upon request] of any rule, regulation, price structure, or other condition which was made a part of the contract of purchase, or which is otherwise applicable to the installation or erection of a foundation, marker, monument, stone or similar structure;

(9) Failure by a cemetery authority to accept markers, monuments, stones, or similar structures in compliance with reasonable regulations of the cemetery authority from outside sources, or to prohibit or by practice interfere with [their] the timely installation, of markers, foundations and/or footings [provided] or the installation of their foundations by outside sources provided that nothing in Section 2-146(c) shall be construed to prohibit a cemetery authority from:

(A) Requiring that the [cemetery authority construct the] foundation for any markers, monuments, stones, or similar structures installed by outside sources be constructed in accordance with the criteria established and accepted by the cemetery and monument industry for the installation of markers, monuments, stones or similar structures providing that rules for installation are the same for third party monument sellers as for the cemetery authority.

(B) Designating non-monument areas or burial sites of any cemetery prior to the sale of such designated areas or burial sites; or

(C) Contracting with a consumer for a sale of a marker, monument, stone, or similar structure, provided that the consumer is advised in writing prior to entering such contract of sale that he is otherwise permitted to make such purchases from outside sources.

(10) Discrimination and/or harassment by the cemetery authority against the installation of markers, monuments, stones, or similar structures purchased from any source

other than the cemetery authority.

(11) Failure of a cemetery authority to[make disclosure] disclose to the purchaser of cemetery goods and services [and to provide a signed copy to the purchaser of cemetery services of all information required to be made by the Federal Trade Commission, as those requirements may be from time to time amended;] all information required under the Federal Trade Commission Funeral Rule, as such information applies to the purchaser of cemetery goods and services; and to provide a disclosure statement in writing and signed by the cemetery authority and the purchaser with a copy provided to the purchaser.

(12) Failure of a cemetery authority to include in its disclosure the phone number and address for the local regulatory agency;

(13) Failure of a cemetery authority to retain for a period of three years after the delivery of all purchased cemetery goods and services a copy of the signed and dated [Federal Trade Commission] Disclosure [Form] Statement for each purchaser of cemetery goods and services.

(14) Failure of a cemetery authority to file with the Director by June 1 of each year and to maintain and display, at the point of sales, a map or plat which identifies the Section name, Lot number and Site number, of each burial site and which clearly identifies each burial site which contains human remains and each burial site which has been sold.

(15) Failure of a cemetery authority to record on each contract for a burial site the Section name, Lot number and Site number of each burial site.

(16) Failure of a cemetery authority to engrave, etch, or cast, or cause to be engraved, etched, or cast, the Section name, Lot number and Site number of each burial site upon each marker or monument.

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SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.