



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3617

Introduced 2/24/2005, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Funeral or Burial Funds Act. Provides that a separate completed contract shall be issued for cemetery merchandise, cemetery services, or undeveloped interment, entombment, or inurnment spaces, and not covered by this Act, unless certain conditions are met. Provides that licenses and license renewals shall be issued for a 5-year term. Provides requirements for license renewal and makes conforming changes in other provisions. Amends the Crematory Regulation Act and the Illinois Pre-Need Cemetery Sales Act. Provides that licenses and license renewals shall be issued for a 5-year term. Provides requirements for license renewal and makes conforming changes in other provisions of the Acts. Adds additional contract requirements under the Illinois Pre-Need Cemetery Sales Act. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that no person authorized by law to sell funeral services on an at need basis may also sell cemetery services, cemetery merchandise, or interment, inurnment, or entombment spaces on an at need basis, unless the person is also authorized by law to sell such cemetery services, merchandise, or spaces and issues to the consumer a separate contract with the provider of such cemetery services, merchandise, or spaces. Provides requirements for completed contracts. Effective January 1, 2006.

LRB094 08622 AMC 40930 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Funeral or Burial Funds Act is
5 amended by changing Sections 1a-1, 3a, 3a-5, and 3f and by
6 adding Sections 3a-1, 3a-2, 3a-3, and 3a-4 as follows:

7 (225 ILCS 45/1a-1)

8 Sec. 1a-1. Pre-need contracts.

9 (a) It shall be unlawful for any seller doing business
10 within this State to accept sales proceeds from a purchaser,
11 either directly or indirectly by any means, unless the seller
12 enters into a pre-need contract with the purchaser which meets
13 the following requirements:

14 (1) It states the name and address of the principal
15 office of the seller and the parent company of the seller,
16 if any.

17 (2) It clearly identifies the provider's name and
18 address, the purchaser, and the beneficiary, if other than
19 the purchaser.

20 (2.5) If the provider has branch locations, the
21 contract gives the purchaser the opportunity to identify
22 the branch at which the funeral will be provided.

23 (3) It contains a complete description of the funeral
24 merchandise and services to be provided and the price of
25 the merchandise and services, and it clearly discloses
26 whether the price of the merchandise and services is
27 guaranteed or not guaranteed as to price.

28 (A) Each guaranteed price contract shall contain
29 the following statement in 12 point bold type:

30 THIS CONTRACT GUARANTEES THE BENEFICIARY THE
31 SPECIFIC GOODS AND SERVICES CONTRACTED FOR. NO
32 ADDITIONAL CHARGES MAY BE REQUIRED. FOR DESIGNATED

1 GOODS AND SERVICES, ADDITIONAL CHARGES MAY BE INCURRED
2 FOR UNEXPECTED EXPENSES INCLUDING, BUT NOT LIMITED TO,
3 CASH ADVANCES, SHIPPING OF REMAINS FROM A DISTANT
4 PLACE, OR DESIGNATED HONORARIA ORDERED OR DIRECTED BY
5 SURVIVORS.

6 (B) Except as provided in subparagraph (C) of this
7 paragraph (3), each non-guaranteed price contract
8 shall contain the following statement in 12 point bold
9 type:

10 THIS CONTRACT DOES NOT GUARANTEE THE PRICE THE
11 BENEFICIARY WILL PAY FOR ANY SPECIFIC GOODS OR
12 SERVICES. ANY FUNDS PAID UNDER THIS CONTRACT ARE ONLY A
13 DEPOSIT TO BE APPLIED TOWARD THE FINAL PRICE OF THE
14 GOODS OR SERVICES CONTRACTED FOR. ADDITIONAL CHARGES
15 MAY BE REQUIRED.

16 (C) If a non-guaranteed price contract may
17 subsequently become guaranteed, the contract shall
18 clearly disclose the nature of the guarantee and the
19 time, occurrence, or event upon which the contract
20 shall become a guaranteed price contract.

21 (4) It provides that if the particular supplies and
22 services specified in the pre-need contract are
23 unavailable at the time of delivery, the provider shall be
24 required to furnish supplies and services similar in style
25 and at least equal in quality of material and workmanship.

26 (5) It discloses any penalties or restrictions,
27 including but not limited to geographic restrictions or the
28 inability of the provider to perform, on the delivery of
29 merchandise, services, or pre-need contract guarantees.

30 (6) Regardless of the method of funding the pre-need
31 contract, the following must be disclosed:

32 (A) Whether the pre-need contract is to be funded
33 by a trust, life insurance, or an annuity;

34 (B) The nature of the relationship among the person
35 funding the pre-need contract, the provider, and the
36 seller; and

1 (C) The impact on the pre-need contract of (i) any
2 changes in the funding arrangement including but not
3 limited to changes in the assignment, beneficiary
4 designation, or use of the funds; (ii) any specific
5 penalties to be incurred by the contract purchaser as a
6 result of failure to make payments; (iii) penalties to
7 be incurred or moneys or refunds to be received as a
8 result of cancellations; and (iv) all relevant
9 information concerning what occurs and whether any
10 entitlements or obligations arise if there is a
11 difference between the proceeds of the particular
12 funding arrangement and the amount actually needed to
13 pay for the funeral at-need.

14 (D) The method of changing the provider.

15 (b) All pre-need contracts are subject to the Federal Trade
16 Commission Rule concerning the Cooling-Off Period for
17 Door-to-Door Sales (16 CFR Part 429).

18 (c) No pre-need contract shall be sold in this State unless
19 there is a provider for the services and personal property
20 being sold. If the seller is not a provider, then the seller
21 must have a binding agreement with a provider, and the identity
22 of the provider and the nature of the agreement between the
23 seller and the provider shall be disclosed in the pre-need
24 contract at the time of the sale and before the receipt of any
25 sales proceeds. A separate completed contract, as required by
26 the Illinois Pre-Need Cemetery Sales Act, shall be issued for
27 cemetery merchandise, cemetery services, or undeveloped
28 interment, entombment, or inurnment spaces, as defined in the
29 Illinois Pre-Need Cemetery Sales Act, and not covered by this
30 Act, unless the seller is licensed under both Acts and all
31 disclosures are in compliance with both Acts. The failure to
32 disclose the identity of the provider, the nature of the
33 agreement between the seller and the provider, or any changes
34 thereto to the purchaser and beneficiary, or the failure to
35 make the disclosures required in subdivision (a)(1),
36 constitutes an intentional violation of this Act.

1 (d) All pre-need contracts must be in writing in at least
2 11 point type, numbered, and executed in duplicate. A signed
3 copy of the pre-need contract must be provided to the purchaser
4 at the time of entry into the pre-need contract. The
5 Comptroller may by rule develop a model pre-need contract form
6 which meets the requirements of this Act.

7 (e) The State Comptroller shall by rule develop a booklet
8 for consumers in plain English describing the scope,
9 application, and consumer protections of this Act. After the
10 adoption of these rules, no pre-need contract shall be sold in
11 this State unless (i) the seller distributes to the purchaser
12 prior to the sale a booklet promulgated or approved for use by
13 the State Comptroller; (ii) the seller explains to the
14 purchaser the terms of the pre-need contract prior to the
15 purchaser signing; and (iii) the purchaser initials a statement
16 in the contract confirming that the seller has explained the
17 terms of the contract prior to the purchaser signing.

18 (f) All sales proceeds received in connection with a
19 pre-need contract shall be deposited into a trust account as
20 provided in Section 1b and Section 2 of this Act, or shall be
21 used to purchase a life insurance policy or tax-deferred
22 annuity as provided in Section 2a of this Act.

23 (g) No pre-need contract shall be sold in this State unless
24 it is accompanied by a funding mechanism permitted under this
25 Act, and unless the seller is licensed by the Comptroller as
26 provided in Section 3 of this Act. Nothing in this Act is
27 intended to relieve sellers of pre-need contracts from being
28 licensed under any other Act required for their profession or
29 business, and being subject to the rules promulgated to
30 regulate their profession or business, including rules on
31 solicitation and advertisement.

32 (Source: P.A. 92-419, eff. 1-1-02.)

33 (225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)

34 Sec. 3a. Denial, nonrenewal, suspension, or revocation of
35 license.

1 (a) The Comptroller may refuse to issue or renew or may
2 suspend or revoke a license on any of the following grounds:

3 (1) The applicant or licensee has made any
4 misrepresentations or false statements or concealed any
5 material fact.

6 (2) The applicant or licensee is insolvent.

7 (3) The applicant or licensee has been engaged in
8 business practices that work a fraud.

9 (4) The applicant or licensee has refused to give
10 pertinent data to the Comptroller.

11 (5) The applicant or licensee has failed to satisfy any
12 enforceable judgment or decree rendered by any court of
13 competent jurisdiction against the applicant.

14 (6) The applicant or licensee has conducted or is about
15 to conduct business in a fraudulent manner.

16 (7) The trust agreement is not in compliance with State
17 or federal law.

18 (8) The fidelity bond is not satisfactory to the
19 Comptroller.

20 (9) As to any individual required to be listed in the
21 ~~license~~ application for license or license renewal, the
22 individual has conducted or is about to conduct any
23 business on behalf of the applicant in a fraudulent manner;
24 has been convicted of any felony or misdemeanor, an
25 essential element of which is fraud; has had a judgment
26 rendered against him or her based on fraud in any civil
27 litigation; has failed to satisfy any enforceable judgment
28 or decree rendered against him or her by any court of
29 competent jurisdiction; or has been convicted of any felony
30 or any theft-related offense.

31 (10) The applicant or licensee, including any member,
32 officer, or director thereof if the applicant or licensee
33 is a firm, partnership, association or corporation and any
34 shareholder holding more than 10% of the corporate stock,
35 has violated any provision of this Act or any regulation,
36 decision, order, or finding made by the Comptroller under

1 this Act.

2 (11) The Comptroller finds any fact or condition
3 existing which, if it had existed at the time of the
4 original application for such license or license renewal,
5 would have warranted the Comptroller in refusing the
6 issuance or renewal of the license.

7 (b) Before refusal to issue or renew and before suspension
8 or revocation of a license, the Comptroller shall hold a
9 hearing to determine whether the applicant or licensee,
10 hereinafter referred to as the respondent, is entitled to hold
11 such a license. At least 10 days prior to the date set for such
12 hearing, the Comptroller shall notify the respondent in writing
13 that on the date designated a hearing will be held to determine
14 his eligibility for a license and that he may appear in person
15 or by counsel. Such written notice may be served on the
16 respondent personally, or by registered or certified mail sent
17 to the respondent's business address as shown in his latest
18 notification to the Comptroller. At the hearing, both the
19 respondent and the complainant shall be accorded ample
20 opportunity to present in person or by counsel such statements,
21 testimony, evidence and argument as may be pertinent to the
22 charges or to any defense thereto. The Comptroller may
23 reasonably continue such hearing from time to time.

24 The Comptroller may subpoena any person or persons in this
25 State and take testimony orally, by deposition or by exhibit,
26 in the same manner and with the same fees and mileage
27 allowances as prescribed in judicial proceedings in civil
28 cases.

29 Any authorized agent of the Comptroller may administer
30 oaths to witnesses at any hearing which the Comptroller is
31 authorized to conduct.

32 (Source: P.A. 92-419, eff. 1-1-02.)

33 (225 ILCS 45/3a-1 new)

34 Sec. 3a-1. Term of license.

35 (a) Any license that was issued under this Act before the

1 effective date of this amendatory Act of the 94th General
2 Assembly shall expire 5 years after the effective date of this
3 amendatory Act of the 94th General Assembly and must thereafter
4 be renewed as provided in this Act. Beginning on the effective
5 date of this amendatory Act of the 94th General Assembly, a
6 license or license renewal under this Act shall be issued for a
7 5-year term, which shall expire as provided in this Act.

8 (b) The Comptroller by rule may adopt a system under which
9 licenses must be renewed by various dates during the year,
10 coinciding with the due date of the annual report of the
11 licensee or any extensions thereof.

12 (225 ILCS 45/3a-2 new)

13 Sec. 3a-2. Requirements for license renewal. In order to
14 complete the license renewal process, the licensee shall submit
15 a license renewal application to the Comptroller in writing
16 signed by the applicant and duly verified on forms furnished by
17 the Comptroller upon date of renewal. Each renewal application
18 must contain all the following:

19 (1) An affirmative statement indicating the licensee's
20 desire for renewal and agreement to abide by all applicable
21 statutes and rules.

22 (2) A \$25 nonrefundable renewal fee.

23 (3) A completed annual report.

24 (4) The following information for the applicant, and
25 each member, officer, and director thereof, if the
26 applicant is a firm, partnership, association, or
27 corporation, and each shareholder holding more than 10% of
28 the corporate stock, if the applicant is a corporation:

29 (A) His or her name and current address (both
30 residence and place of business).

31 (B) A detailed statement of the individual's
32 business experience for the 10 years immediately
33 preceding the application.

34 (C) Any present or prior connection between the
35 individual and any other person engaged in pre-need

1 sales.

2 (D) Any felony or misdemeanor convictions of which
3 fraud was an essential element and any charges or
4 complaints lodged against the individual of which
5 fraud was an essential element and that resulted in
6 civil or criminal litigation.

7 (E) Any failure of the individual to satisfy an
8 enforceable judgment entered against him or her based
9 upon fraud.

10 (F) Any other information requested by the
11 Comptroller relating to past business practices of the
12 individual.

13 Since the information required by this item (4) may be
14 confidential or contain proprietary information, this
15 information shall not be available to other licensees or
16 the general public and shall be used only for the lawful
17 purposes of the Comptroller in enforcing this Act.

18 (5) A current statement of the applicant's assets and
19 liabilities.

20 (6) The current name and address of the licensee's
21 principal place of business at which the books, accounts,
22 and records are available for examination by the
23 Comptroller as required by this Act.

24 (7) The current names and addresses of the licensee's
25 branch locations at which pre-need sales are conducted and
26 that operate under the same license number as the
27 applicant's principal place of business.

28 (8) The name of the current trustee and, if applicable,
29 the names of the advisors to the trustee, including a copy
30 of the current trust agreement under which the trust funds
31 are held as required by this Act.

32 (9) Such other information as the Comptroller may
33 reasonably require in order to determine whether the
34 licensee's renewal application qualifies under this Act.

1 Sec. 3a-3. Remedy for delinquent license renewal.

2 (a) If a licensee continues to conduct activities requiring
3 a license but fails to submit a completed license renewal
4 application to the Comptroller within the time specified in
5 this Act, the Comptroller shall impose upon the licensee a
6 penalty in the amount of \$5 per day for each day the renewal
7 statement is not submitted. The Comptroller may abate all or
8 part of the \$5 daily penalty for good cause shown.

9 (b) In the event the renewal application is denied by the
10 Comptroller, the renewal fee paid is not refundable.

11 (225 ILCS 45/3a-4 new)

12 Sec. 3a-4. License renewal process. Once the licensee has
13 filed for license renewal, the expiring license shall remain in
14 effect until the renewal has been issued. Upon approval of the
15 Comptroller, the Comptroller shall issue a license renewal to
16 be posted in the place of business of the licensee.

17 (225 ILCS 45/3a-5)

18 Sec. 3a-5. License requirements.

19 (a) Every license issued by the Comptroller shall state the
20 number of the license, the business name and address of the
21 licensee's principal place of business, each branch location
22 also operating under the license, and the licensee's parent
23 company, if any. The license shall be conspicuously posted in
24 each place of business operating under the license. The
25 Comptroller may issue such additional licenses as may be
26 necessary for licensee branch locations upon compliance with
27 the provisions of this Act governing an original issuance of a
28 license for each new license.

29 (b) Individual salespersons representing a licensee shall
30 not be required to obtain licenses in their individual
31 capacities, but must acknowledge, by affidavit, that they have
32 been provided with a copy of and have read this Act. The
33 licensee shall retain copies of the affidavits of its sellers
34 for its records and shall make the affidavits available to the

1 Comptroller for examination upon request.

2 (c) The licensee shall be responsible for the activities of
3 any person representing the licensee in selling or offering a
4 pre-need contract for sale.

5 (d) Any person not selling on behalf of a licensee shall
6 obtain its own license.

7 (e) No license shall be transferable or assignable without
8 the express written consent of the Comptroller. A transfer of
9 more than 50% of the ownership of any business licensed
10 hereunder shall be deemed to be an attempted assignment of the
11 license originally issued to the licensee for which consent of
12 the Comptroller shall be required.

13 (f) Every license issued hereunder shall remain in force
14 until it expires or has been suspended, surrendered, or revoked
15 in accordance with this Act. The Comptroller, upon the request
16 of an interested person or on his own motion, may issue new
17 licenses to a licensee whose license or licenses have been
18 revoked, if no factor or condition then exists which would have
19 warranted the Comptroller to originally refuse the issuance of
20 such license.

21 (Source: P.A. 92-419, eff. 1-1-02.)

22 (225 ILCS 45/3f)

23 Sec. 3f. Revocation of license.

24 (a) The Comptroller, upon determination that grounds exist
25 for the nonrenewal, revocation or suspension of a license
26 issued under this Act, may refuse to renew, revoke or suspend,
27 if appropriate, the license issued to a licensee or to a
28 particular branch office location with respect to which the
29 grounds for the nonrenewal, revocation or suspension may occur
30 or exist.

31 (b) Whenever a license is not renewed or is revoked by the
32 Comptroller, he or she shall apply to the Circuit Court of the
33 county wherein the licensee is located for a receiver to
34 administer the trust funds of the licensee or to maintain the
35 life insurance policies and tax-deferred annuities held by the

1 licensee under a pre-need contract.

2 (Source: P.A. 92-419, eff. 1-1-02.)

3 Section 10. The Crematory Regulation Act is amended by
4 changing Sections 11, 11.5, 13, and 62.10 and by adding
5 Sections 10.1, 10.2, 10.3, and 10.4 as follows:

6 (410 ILCS 18/10.1 new)

7 Sec. 10.1. Term of license.

8 (a) Any license that was issued under this Act before the
9 effective date of this amendatory Act of the 94th General
10 Assembly shall expire 5 years after the effective date of this
11 amendatory Act of the 94th General Assembly and must thereafter
12 be renewed as provided in this Act. Beginning on the effective
13 date of this amendatory Act of the 94th General Assembly, a
14 license or license renewal shall be issued for a 5-year term,
15 which shall expire as provided in this Act.

16 (b) The Comptroller by rule may adopt a system under which
17 licenses must be renewed by various dates during the year,
18 coinciding with the due date of the annual report of the
19 licensee or any extensions thereof.

20 (410 ILCS 18/10.2 new)

21 Sec. 10.2. Requirements for license renewal. In order to
22 complete the license renewal process, the licensee shall submit
23 a license renewal application to the Comptroller in writing on
24 forms furnished by the Comptroller upon date of renewal. Each
25 renewal application shall contain all of the following:

26 (1) An affirmative statement indicating the licensee's
27 desire for renewal and agreement to abide by all applicable
28 statutes and rules.

29 (2) A \$25 nonrefundable renewal fee.

30 (3) A completed annual report.

31 (4) The current name and address (both residence and
32 business) of the licensee, if the licensee is an
33 individual; the full name and address of every member, if

1 the licensee is a partnership; the full name and address of
2 every member of the board of directors, if the licensee is
3 an association; and the name and address of every officer,
4 director, and shareholder holding more than 25% of the
5 corporate stock, if the licensee is a corporation.

6 (5) A description of the type of structure and
7 equipment used in the operation of the crematory, including
8 the operating permit number issued to the cremation device
9 by the Illinois Environmental Protection Agency.

10 (6) An updated attestation by the owner that cremation
11 services shall be by a person trained in accordance with
12 the requirements of Section 22 of this Act.

13 (7) A copy of the certifications issued by the
14 certification program to the person or persons who operate
15 the cremation device.

16 (8) Any further information that the Comptroller
17 reasonably may require.

18 (410 ILCS 18/10.3 new)

19 Sec. 10.3. Remedy for delinquent license renewal.

20 (a) If a licensee continues to conduct activities requiring
21 a license but fails to submit a completed license renewal
22 application to the Comptroller within the time specified in
23 this Act, the Comptroller shall impose upon the licensee a
24 penalty of \$5 for each day the licensee remains delinquent in
25 submitting the renewal application. The Comptroller may abate
26 all or part of the \$5 daily penalty for good cause shown.

27 (b) In the event the renewal application is denied by the
28 Comptroller, the renewal fee paid is not refundable.

29 (410 ILCS 18/10.4 new)

30 Sec. 10.4. License renewal process. Once the licensee has
31 filed for license renewal, the expiring license shall remain in
32 effect until the renewal has been issued. Upon approval of the
33 Comptroller, the Comptroller shall issue a license renewal to
34 be posted in the place of business of the licensee.

1 (410 ILCS 18/11)

2 Sec. 11. Grounds for refusal of license or license renewal
3 or suspension or revocation of license.

4 (a) In this Section, "applicant" means a person who has
5 applied for a license or license renewal under this Act.

6 (b) The Comptroller may refuse to issue or renew a license
7 under this Act, or may suspend or revoke a license issued under
8 this Act, on any of the following grounds:

9 (1) The applicant or licensee has made any
10 misrepresentation or false statement or concealed any
11 material fact in connection with a license application or
12 licensure under this Act.

13 (2) The applicant or licensee has been engaged in
14 business practices that work a fraud.

15 (3) The applicant or licensee has refused to give
16 information required under this Act to be disclosed to the
17 Comptroller.

18 (4) The applicant or licensee has conducted or is about
19 to conduct cremation business in a fraudulent manner.

20 (5) As to any individual listed in the license or
21 license renewal application as required under Section 10 or
22 10.2, that individual has conducted or is about to conduct
23 any cremation business on behalf of the applicant in a
24 fraudulent manner or has been convicted of any felony or
25 misdemeanor an essential element of which is fraud.

26 (6) The applicant or licensee has failed to make the
27 annual report required by this Act or to comply with a
28 final order, decision, or finding of the Comptroller made
29 under this Act.

30 (7) The applicant or licensee, including any member,
31 officer, or director of the applicant or licensee if the
32 applicant or licensee is a firm, partnership, association,
33 or corporation and including any shareholder holding more
34 than 25% of the corporate stock of the applicant or
35 licensee, has violated any provision of this Act or any

1 regulation or order made by the Comptroller under this Act.

2 (8) The Comptroller finds any fact or condition
3 existing that, if it had existed at the time of the
4 original application for a license or license renewal under
5 this Act, would have warranted the Comptroller in refusing
6 the issuance of the license.

7 (Source: P.A. 92-675, eff. 7-1-03.)

8 (410 ILCS 18/11.5)

9 Sec. 11.5. License revocation or suspension; surrender of
10 license.

11 (a) Upon determining that grounds exist for the nonrenewal,
12 revocation, or suspension of a license issued under this Act,
13 the Comptroller, if appropriate, may revoke, ~~or~~ suspend, or
14 refuse to renew the license issued to the licensee.

15 (b) Upon the nonrenewal, revocation, or suspension of a
16 license issued under this Act, the licensee must immediately
17 surrender the license to the Comptroller. If the licensee fails
18 to do so, the Comptroller may seize the license.

19 (Source: P.A. 92-675, eff. 7-1-03.)

20 (410 ILCS 18/13)

21 Sec. 13. License; display; transfer; duration.

22 (a) Every license issued under this Act must state the
23 number of the license, the business name and address of the
24 licensee's principal place of business, and the licensee's
25 parent company, if any. The license must be conspicuously
26 posted in the place of business operating under the license.

27 (b) No license is transferable or assignable without the
28 express written consent of the Comptroller. A transfer of more
29 than 50% of the ownership of any business licensed under this
30 Act shall be deemed to be an attempted assignment of the
31 license originally issued to the licensee for whom consent of
32 the Comptroller is required.

33 (c) Every license issued under this Act shall remain in
34 force until it expires or has been surrendered, suspended, or

1 revoked in accordance with this Act. Upon the request of an
2 interested person or on the Comptroller's own motion, the
3 Comptroller may issue a new license to a licensee whose license
4 has been revoked under this Act if no factor or condition then
5 exists which would have warranted the Comptroller in originally
6 refusing the issuance of the license.

7 (Source: P.A. 92-675, eff. 7-1-03.)

8 (410 ILCS 18/62.10)

9 Sec. 62.10. Investigation of actions; hearing.

10 (a) The Comptroller shall make an investigation upon
11 discovering facts that, if proved, would constitute grounds for
12 refusal, denial, suspension, or revocation of a license under
13 this Act.

14 (b) Before refusing to issue or renew, and before
15 suspending or revoking, a license under this Act, the
16 Comptroller shall hold a hearing to determine whether the
17 applicant for a license or the licensee ("the respondent") is
18 entitled to hold such a license. At least 10 days before the
19 date set for the hearing, the Comptroller shall notify the
20 respondent in writing that (i) on the designated date a hearing
21 will be held to determine the respondent's eligibility for a
22 license and (ii) the respondent may appear in person or by
23 counsel. The written notice may be served on the respondent
24 personally, or by registered or certified mail sent to the
25 respondent's business address as shown in the respondent's
26 latest notification to the Comptroller. The notice must include
27 sufficient information to inform the respondent of the general
28 nature of the reason for the Comptroller's action.

29 (c) At the hearing, both the respondent and the complainant
30 shall be accorded ample opportunity to present in person or by
31 counsel such statements, testimony, evidence, and argument as
32 may be pertinent to the charge or to any defense to the charge.
33 The Comptroller may reasonably continue the hearing from time
34 to time. The Comptroller may subpoena any person or persons in
35 this State and take testimony orally, by deposition, or by

1 exhibit, in the same manner and with the same fees and mileage
2 as prescribed in judicial proceedings in civil cases. Any
3 authorized agent of the Comptroller may administer oaths to
4 witnesses at any hearing that the Comptroller is authorized to
5 conduct.

6 (d) The Comptroller, at the Comptroller's expense, shall
7 provide a certified shorthand reporter to take down the
8 testimony and preserve a record of every proceeding at the
9 hearing of any case involving the refusal to issue or renew a
10 license under this Act, the suspension or revocation of such a
11 license, the imposition of a monetary penalty, or the referral
12 of a case for criminal prosecution. The record of any such
13 proceeding shall consist of the notice of hearing, the
14 complaint, all other documents in the nature of pleadings and
15 written motions filed in the proceeding, the transcript of
16 testimony, and the report and orders of the Comptroller. Copies
17 of the transcript of the record may be purchased from the
18 certified shorthand reporter who prepared the record or from
19 the Comptroller.

20 (Source: P.A. 92-675, eff. 7-1-03.)

21 Section 15. The Illinois Pre-Need Cemetery Sales Act is
22 amended by changing Sections 7, 8, 9, 12, and 14 and by adding
23 Sections 6a, 6b, 6c, and 6d as follows:

24 (815 ILCS 390/6a new)

25 Sec. 6a. Term of license.

26 (a) Any license that was issued under this Act before the
27 effective date of this amendatory Act of the 94th General
28 Assembly shall expire 5 years after the effective date of this
29 amendatory Act of the 94th General Assembly and must thereafter
30 be renewed as provided in this Act. Beginning on the effective
31 date of this amendatory Act of the 94th General Assembly, a
32 license or license renewal shall be issued for a 5-year term,
33 which shall expire as provided in this Act.

34 (b) The Comptroller by rule may adopt a system under which

1 licenses must be renewed by various dates during the year,
2 coinciding with the due date of the annual report of the
3 licensee or any extensions thereof.

4 (815 ILCS 390/6b new)

5 Sec. 6b. Requirements for license renewal. In order to
6 complete the license renewal process, the licensee shall submit
7 a license renewal application to the Comptroller in writing
8 under oath, signed by the applicant and in the form furnished
9 by the Comptroller upon date of renewal. The Comptroller may
10 prescribe abbreviated license renewal application forms for
11 persons holding a license under the Cemetery Care Act. Each
12 renewal application (except abbreviated applications) shall
13 contain all of the following:

14 (1) An affirmative statement indicating the licensee's
15 desire for renewal and agreement to abide by all applicable
16 statutes and rules.

17 (2) A \$25 nonrefundable renewal fee.

18 (3) A completed annual report.

19 (4) The following information for the applicant, and
20 each member, officer, and director thereof, if the
21 applicant is a firm, partnership, association, or
22 corporation, and each shareholder holding more than 10% of
23 the corporate stock, if the applicant is a corporation:

24 (A) His or her name and current address (both
25 residence and place of business).

26 (B) A detailed statement of the individual's
27 business experience for the 10 years immediately
28 preceding the application.

29 (C) Any present or prior connection between the
30 individual and any other person engaged in pre-need
31 sales.

32 (D) Any felony or misdemeanor convictions of which
33 fraud was an essential element and any charges or
34 complaints lodged against the individual of which
35 fraud was an essential element and that resulted in

1 civil or criminal litigation.

2 (E) Any failure of the individual to satisfy an
3 enforceable judgment entered against him or her based
4 upon fraud.

5 (F) Any other information requested by the
6 Comptroller relating to past business practices of the
7 individual.

8 Since the information required by this item (4) may be
9 confidential or contain proprietary information, this
10 information shall not be available to other licensees or
11 the general public and shall be used only for the lawful
12 purposes of the Comptroller in enforcing this Act.

13 (5) A detailed statement of the licensee's current
14 assets and liabilities.

15 (6) The current name and address of the licensee's
16 principal place of business at which the books, accounts,
17 and records are available for examination by the
18 Comptroller as required by this Act.

19 (7) The current name and address of the licensee's
20 branch locations at which pre-need sales are conducted and
21 that operate under the same license number as the
22 licensee's principal place of business.

23 (8) A current copy of the trust agreement under which
24 the trust funds are to be held as required by this Act.

25 (9) Such other information as the Comptroller may
26 reasonably require in order to determine whether the
27 licensee's renewal application qualifies under this Act.

28 (815 ILCS 390/6c new)

29 Sec. 6c. Remedy for delinquent license renewal.

30 (a) If a licensee continues to conduct activities requiring
31 a license but fails to submit a completed license renewal
32 application to the Comptroller within the time specified in
33 this Act, the Comptroller shall impose upon the licensee a
34 penalty of \$5 for each day the licensee remains delinquent in
35 submitting the application. The Comptroller may abate all or

1 part of the \$5 daily penalty for good cause shown.

2 (b) In the event the renewal application is denied by the
3 Comptroller, the renewal fee paid is not refundable.

4 (815 ILCS 390/6d new)

5 Sec. 6d. License renewal process. Once the licensee has
6 filed for license renewal, the expiring license shall remain in
7 effect until the renewal has been issued. Upon approval of the
8 Comptroller, the Comptroller shall issue a license renewal to
9 be posted in the place of business of the licensee.

10 (815 ILCS 390/7) (from Ch. 21, par. 207)

11 Sec. 7. The Comptroller may refuse to issue or renew a
12 license or may suspend or revoke a license on any of the
13 following grounds:

14 (a) The applicant or licensee has made any
15 misrepresentations or false statements or concealed any
16 material fact;

17 (b) The applicant or licensee is insolvent;

18 (c) The applicant or licensee has been engaged in business
19 practices that work a fraud;

20 (d) The applicant or licensee has refused to give pertinent
21 data to the Comptroller;

22 (e) The applicant or licensee has failed to satisfy any
23 enforceable judgment or decree rendered by any court of
24 competent jurisdiction against the applicant;

25 (f) The applicant or licensee has conducted or is about to
26 conduct business in a fraudulent manner;

27 (g) The trust agreement is not in compliance with State or
28 federal law;

29 (h) The pre-construction performance bond, if applicable,
30 is not satisfactory to the Comptroller;

31 (i) The fidelity bond is not satisfactory to the
32 Comptroller;

33 (j) As to any individual listed in the ~~license~~ application
34 for license or license renewal as required pursuant to Section

1 6 or 6b, that individual has conducted or is about to conduct
2 any business on behalf of the applicant in a fraudulent manner,
3 has been convicted of any felony or misdemeanor an essential
4 element of which is fraud, has had a judgment rendered against
5 him or her based on fraud in any civil litigation, has failed
6 to satisfy any enforceable judgment or decree rendered against
7 him by any court of competent jurisdiction, or has been
8 convicted of any felony or any theft-related offense;

9 (k) The applicant or licensee has failed to make the annual
10 report required by this Act or to comply with a final order,
11 decision, or finding of the Comptroller made pursuant to this
12 Act;

13 (l) The applicant or licensee, including any member,
14 officer, or director thereof if the applicant or licensee is a
15 firm, partnership, association, or corporation and any
16 shareholder holding more than 10% of the corporate stock, has
17 violated any provision of this Act or any regulation or order
18 made by the Comptroller under this Act; or

19 (m) The Comptroller finds any fact or condition existing
20 which, if it had existed at the time of the original
21 application for such license or renewal of such license would
22 have warranted the Comptroller in refusing the issuance or
23 renewal of the license.

24 (Source: P.A. 92-419, eff. 1-1-02.)

25 (815 ILCS 390/8) (from Ch. 21, par. 208)

26 Sec. 8. (a) Every license issued by the Comptroller shall
27 state the number of the license, the business name and address
28 of the licensee's principal place of business, each branch
29 location also operating under the license, and the licensee's
30 parent company, if any. The license shall be conspicuously
31 posted in each place of business operating under the license.
32 The Comptroller may issue additional licenses as may be
33 necessary for license branch locations upon compliance with the
34 provisions of this Act governing an original issuance of a
35 license for each new license.

1 (b) Individual salespersons representing a licensee shall
2 not be required to obtain licenses in their individual
3 capacities but must acknowledge, by affidavit, that they have
4 been provided a copy of and have read this Act. The licensee
5 must retain copies of the affidavits of its salespersons for
6 its records and must make the affidavits available to the
7 Comptroller for examination upon request.

8 (c) The licensee shall be responsible for the activities of
9 any person representing the licensee in selling or offering a
10 pre-need contract for sale.

11 (d) Any person not selling on behalf of a licensee shall be
12 required to obtain his or her own license.

13 (e) Any person engaged in pre-need sales, as defined
14 herein, prior to the effective date of this Act may continue
15 operations until the application for license under this Act is
16 denied; provided that such person shall make application for a
17 license within 60 days of the date that application forms are
18 made available by the Comptroller.

19 (f) No license shall be transferable or assignable without
20 the express written consent of the Comptroller. A transfer of
21 more than 50% of the ownership of any business licensed
22 hereunder shall be deemed to be an attempted assignment of the
23 license originally issued to the licensee for which consent of
24 the Comptroller shall be required.

25 (g) Every license issued hereunder shall remain in force
26 until the same expires or has been suspended, surrendered or
27 revoked in accordance with this Act, but the Comptroller, upon
28 the request of an interested person or on his own motion, may
29 issue new licenses to a licensee whose license or licenses have
30 been revoked, if no factor or condition then exists which would
31 have warranted the Comptroller in refusing originally the
32 issuance of such license.

33 (Source: P.A. 92-419, eff. 1-1-02.)

34 (815 ILCS 390/9) (from Ch. 21, par. 209)

35 Sec. 9. The Comptroller may upon his own motion investigate

1 the actions of any person providing, selling, or offering
2 pre-need sales contracts or of any applicant or any person or
3 persons holding or claiming to hold a license under this Act.
4 The Comptroller shall make such an investigation on receipt of
5 the verified written complaint of any person setting forth
6 facts which, if proved, would constitute grounds for refusal to
7 issue or renew, suspension, or revocation of a license. Before
8 refusing to issue or renew, and before suspension or revocation
9 of a license, the Comptroller shall hold a hearing to determine
10 whether the applicant or licensee, hereafter called the
11 respondent, is entitled to hold such a license. At least 10
12 days prior to the date set for such hearing, the Comptroller
13 shall notify the respondent in writing that on the date
14 designated a hearing will be held to determine his eligibility
15 for a license and that he may appear in person or by counsel.
16 Such written notice may be served on the respondent personally,
17 or by registered or certified mail sent to the respondent's
18 business address as shown in his latest notification to the
19 Comptroller and shall include sufficient information to inform
20 the respondent of the general nature of the charge. At the
21 hearing, both the respondent and the complainant shall be
22 accorded ample opportunity to present in person or by counsel
23 such statements, testimony, evidence and argument as may be
24 pertinent to the charges or to any defense thereto. The
25 Comptroller may reasonably continue such hearing from time to
26 time.

27 The Comptroller may subpoena any person or persons in this
28 State and take testimony orally, by deposition or by exhibit,
29 in the same manner and with the same fees and mileage as
30 prescribed in judicial proceedings in civil cases.

31 Any authorized agent of the Comptroller may administer
32 oaths to witnesses at any hearing which the Comptroller is
33 authorized to conduct.

34 The Comptroller, at his expense, shall provide a certified
35 shorthand reporter to take down the testimony and preserve a
36 record of all proceedings at the hearing of any case involving

1 the refusal to issue or renew a license, the suspension or
2 revocation of a license, the imposition of a monetary penalty,
3 or the referral of a case for criminal prosecution. The record
4 of any such proceeding shall consist of the notice of hearing,
5 complaint, all other documents in the nature of pleadings and
6 written motions filed in the proceedings, the transcript of
7 testimony and the report and orders of the Comptroller. Copies
8 of the transcript of such record may be purchased from the
9 certified shorthand reporter who prepared the record or from
10 the Comptroller.

11 (Source: P.A. 92-419, eff. 1-1-02.)

12 (815 ILCS 390/12) (from Ch. 21, par. 212)

13 Sec. 12. License nonrenewal, revocation, or suspension.

14 (a) The Comptroller may, upon determination that grounds
15 exist for the revocation or suspension or nonrenewal of a
16 license issued under this Act, revoke ~~or~~ suspend, or fail to
17 renew, if appropriate, the license issued to a licensee or to a
18 particular branch office location with respect to which the
19 grounds for revocation, or ~~suspension~~, or failure to renew may
20 occur or exist.

21 (b) Upon the nonrenewal, revocation, or suspension of any
22 license, the licensee shall immediately surrender the license
23 or licenses to the Comptroller. If the licensee fails to do so,
24 the Comptroller has the right to seize the license or licenses.

25 (Source: P.A. 92-419, eff. 1-1-02.)

26 (815 ILCS 390/14) (from Ch. 21, par. 214)

27 Sec. 14. Contract required.

28 (a) It is unlawful for any person doing business within
29 this State to accept sales proceeds, either directly or
30 indirectly, by any means unless the seller enters into a
31 pre-need sales contract with the purchaser which meets the
32 following requirements:

33 (1) A written sales contract shall be executed in at
34 least 11 point type in duplicate for each pre-need sale

1 made by a licensee, and a signed copy given to the
2 purchaser. Each completed contract shall be numbered and
3 shall contain: (i) the name and address of the purchaser,
4 the principal office of the licensee, and the parent
5 company of the licensee; (ii) the name of the person, if
6 known, who is to receive the cemetery merchandise, cemetery
7 services or the completed interment, entombment or
8 inurnment spaces under the contract; ~~and~~ (iii) specific
9 identification of such merchandise, type of services to be
10 held by cemetery or crematory personnel, or spaces to be
11 provided, if a specific space or spaces are contracted for,
12 and the price of the merchandise, services, or space or
13 spaces; (iv) the location of the spaces to be provided, if
14 a specific space is contracted for, indicated on an overall
15 map of the site of the interment, entombment, or inurnment
16 spaces; and (v) a description of the type of care furnished
17 by a provider holding a valid license under the Cemetery
18 Care Act that is being purchased to maintain the interment,
19 entombment, or inurnment space, if a specific space is
20 contracted for. If no care is included in the contract, the
21 contract shall state in 11-point type "This contract does
22 not include maintenance care.", and this statement shall be
23 initialed by the purchaser.

24 (1.5) Each contract shall include a current copy of the
25 provider's rules and regulations pertaining to the site of
26 the completed interment, entombment, or inurnment spaces,
27 if such spaces are to be provided under the contract.

28 (2) In addition, such contracts must contain a
29 provision in distinguishing typeface as follows:

30 "Notwithstanding anything in this contract to the
31 contrary, you are afforded certain specific rights of
32 cancellation and refund under the Illinois Pre-Need
33 Cemetery Sales Act, enacted by the 84th General Assembly of
34 the State of Illinois".

35 (3) All pre-need sales contracts shall be sold on a
36 guaranteed price basis. At the time of performance of the

1 service or delivery of the merchandise, the seller shall be
2 prohibited from assessing the purchaser or his heirs or
3 assigns or duly authorized representative any additional
4 charges for the specific merchandise and services listed on
5 the pre-need sales contract.

6 (4) Each contract shall clearly disclose that the price
7 of the merchandise or services is guaranteed and shall
8 contain the following statement in 12 point bold type:

9 "THIS CONTRACT GUARANTEES THE BENEFICIARY THE SPECIFIC
10 GOODS, SERVICES, INTERMENT SPACES, ENTOMBMENT SPACES, AND
11 INURNMENT SPACES CONTRACTED FOR. NO ADDITIONAL CHARGES MAY
12 BE REQUIRED FOR DESIGNATED GOODS, SERVICES, AND SPACES.
13 ADDITIONAL CHARGES MAY BE INCURRED FOR UNEXPECTED
14 EXPENSES."

15 (5) The pre-need sales contract shall provide that if
16 the particular cemetery services, cemetery merchandise, or
17 spaces specified in the pre-need contract are unavailable
18 at the time of delivery, the seller shall be required to
19 furnish services, merchandise, and spaces similar in style
20 and at least equal in quality of material and workmanship.

21 (6) The pre-need contract shall also disclose any
22 specific penalties to be incurred by the purchaser as a
23 result of failure to make payments; and penalties to be
24 incurred or moneys or refunds to be received as a result of
25 cancellation of the contract.

26 (7) The pre-need contract shall disclose the nature of
27 the relationship between the provider and the seller.

28 (8) Each pre-need contract that authorizes the
29 delivery of cemetery merchandise to a licensed and bonded
30 warehouse shall provide that prior to or upon delivery of
31 the merchandise to the warehouse the title to the
32 merchandise and a warehouse receipt shall be delivered to
33 the purchaser or beneficiary. The pre-need contract shall
34 contain the following statement in 12 point bold type:

35 "THIS CONTRACT AUTHORIZES THE DELIVERY OF MERCHANDISE TO A
36 LICENSED AND BONDED WAREHOUSE FOR STORAGE OF THE

1 MERCHANDISE UNTIL THE MERCHANDISE IS NEEDED BY THE
2 BENEFICIARY. DELIVERY OF THE MERCHANDISE IN THIS MANNER MAY
3 PRECLUDE REFUND OF SALE PROCEEDS THAT ARE ATTRIBUTABLE TO
4 THE DELIVERED MERCHANDISE."

5 The purchaser shall initial the statement at the time
6 of entry into the pre-need contract.

7 (9) Each pre-need contract that authorizes the
8 placement of cemetery merchandise at the site of its
9 ultimate use prior to the time that the merchandise is
10 needed by the beneficiary shall contain the following
11 statement in 12 point bold type:

12 "THIS CONTRACT AUTHORIZES THE PLACEMENT OF MERCHANDISE AT
13 THE SITE OF ITS ULTIMATE USE PRIOR TO THE TIME THAT THE
14 MERCHANDISE IS NEEDED BY THE BENEFICIARY. DELIVERY OF THE
15 MERCHANDISE IN THIS MANNER MAY PRECLUDE REFUND OF SALE
16 PROCEEDS THAT ARE ATTRIBUTABLE TO THE DELIVERED
17 MERCHANDISE."

18 The purchaser shall initial the statement at the time
19 of entry into the pre-need contract.

20 (b) Every pre-need sales contract must be in writing. The
21 Comptroller may by rule develop a model pre-need sales contract
22 form that meets the requirements of this Act.

23 (c) To the extent the Rule is applicable, every pre-need
24 sales contract is subject to the Federal Trade Commission Rule
25 concerning the Cooling-Off Period for Door-to-Door Sales (16
26 CFR Part 429).

27 (d) No pre-need sales contract may be entered into in this
28 State unless there is a provider for the cemetery merchandise,
29 cemetery services, and undeveloped interment, inurnment, and
30 entombment spaces being sold. If the seller is not the
31 provider, then the seller must have a binding agreement with a
32 provider, and the identity of the provider and the nature of
33 the agreement between the seller and the provider must be
34 disclosed in the pre-need sales contract at the time of sale
35 and before the receipt of any sale proceeds. The purchaser
36 shall make personal contact with the provider and visit the

1 site of the undeveloped interment, inurnment, or entombment
2 spaces being sold, unless the purchaser waives his or her right
3 to do so. Each pre-need contract that is sold by a seller who
4 is not the provider shall contain the following statements in
5 12-point bold type and the applicable statements shall be
6 initialed by the purchaser:

7 "I HAVE MADE PERSONAL CONTACT WITH THE PROVIDER OF THE
8 CEMETERY MERCHANDISE, CEMETERY SERVICES, OR UNDEVELOPED
9 INTERMENT, INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS
10 CONTRACT.

11 I HAVE VISITED THE SITE OF THE UNDEVELOPED INTERMENT,
12 INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

13 I HAVE WAIVED MY RIGHT TO MAKE PERSONAL CONTACT AND/OR
14 VISIT THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY
15 SERVICES, OR UNDEVELOPED INTERMENT, INURNMENT, OR
16 ENTOMBMENT SPACES BEING SOLD IN THIS CONTRACT.

17 A COPY OF THE PROVIDER'S RULES AND REGULATIONS HAS BEEN
18 MADE AVAILABLE TO ME."

19 A separate completed contract shall be issued for funeral
20 merchandise or funeral services covered by the Illinois Funeral
21 or Burial Funds Act, and not covered by this Act, unless the
22 seller is licensed under both Acts and all disclosures are in
23 compliance with both Acts. The failure to disclose the identity
24 of the provider, the nature of the agreement between the seller
25 and the provider, or any changes thereto to the purchaser and
26 beneficiary, or the failure to make the disclosures required by
27 this Section constitutes an intentional violation of this Act.

28 (e) No pre-need contract may be entered into in this State
29 unless it is accompanied by a funding mechanism permitted under
30 this Act and unless the seller is licensed by the Comptroller
31 as provided in this Act. Nothing in this Act is intended to
32 relieve providers or sellers of pre-need contracts from being
33 licensed under any other Act required for their profession or
34 business or from being subject to the rules promulgated to
35 regulate their profession or business, including rules on
36 solicitation and advertisement.

1 (f) No pre-need contract may be entered into in this State
2 unless the seller explains to the purchaser the terms of the
3 pre-need contract prior to the purchaser signing and the
4 purchaser initials a statement in the contract confirming that
5 the seller has explained the terms of the contract prior to the
6 purchaser signing.

7 (g) The State Comptroller shall develop a booklet for
8 consumers in plain English describing the scope, application,
9 and consumer protections of this Act. After the booklet is
10 developed, no pre-need contract may be sold in this State
11 unless the seller distributes to the purchaser prior to the
12 sale a booklet developed or approved for use by the State
13 Comptroller.

14 (Source: P.A. 91-7, eff. 1-1-00; 92-419, eff. 1-1-02.)

15 Section 20. The Consumer Fraud and Deceptive Business
16 Practices Act is amended by adding Section 2VV as follows:

17 (815 ILCS 505/2VV new)

18 Sec. 2VV. Cemetery or funeral contracts. No person
19 authorized by law to sell funeral services on an at need basis
20 may also sell cemetery services, cemetery merchandise, or
21 interment, inurnment, or entombment spaces on an at need basis,
22 unless the person is also authorized by law to sell such
23 cemetery services, merchandise, or spaces and issues to the
24 consumer a separate contract with the provider of such cemetery
25 services, merchandise, or spaces.

26 Each completed contract shall be numbered and shall
27 contain: (i) the name and address of the purchaser, the name
28 and pertinent information of the person who is to receive the
29 cemetery services, merchandise, or spaces, and the name and
30 address of the seller; (ii) specific identification of such
31 merchandise, type of services to be held by cemetery or
32 crematory personnel, or spaces to be provided and the price of
33 the merchandise, services, or spaces; (iii) the location of the
34 space to be provided, if a specific space is contracted for,

1 indicated on an overall map of the site of the interment,
2 entombment, or inurnment space; and (iv) a description of the
3 type of care furnished by a provider holding a valid license
4 under the Cemetery Care Act that is being purchased to maintain
5 the interment, entombment, or inurnment space, if a specific
6 space is contracted for. If no care is included in the
7 contract, the contract shall state in 11-point bold type: "This
8 contract does not include maintenance care.", and this
9 statement shall be initialed by the purchaser. Each contract
10 shall include a current copy of the provider's rules and
11 regulations pertaining to the site of the interment,
12 entombment, or inurnment spaces, if such spaces are to be
13 provided under the contract. The purchaser shall make personal
14 contact with the provider and visit the site of the undeveloped
15 interment, inurnment, or entombment spaces being sold, unless
16 the purchaser waives his or her right to do so. Each contract
17 that is sold by a seller who is not the provider shall contain
18 the following statements in 12-point bold type and the
19 applicable statements shall be initialed by the purchaser:

20 "I HAVE MADE PERSONAL CONTACT WITH THE PROVIDER OF THE
21 CEMETERY MERCHANDISE, CEMETERY SERVICES, OR INTERMENT,
22 INURNMENT, OR ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

23 I HAVE VISITED THE SITE OF THE INTERMENT, INURNMENT, OR
24 ENTOMBMENT SPACES SOLD IN THIS CONTRACT.

25 I HAVE WAIVED MY RIGHT TO MAKE PERSONAL CONTACT AND
26 VISIT THE PROVIDER OF THE CEMETERY MERCHANDISE, CEMETERY
27 SERVICES, OR INTERMENT, INURNMENT, OR ENTOMBMENT SPACES
28 BEING SOLD IN THIS CONTRACT."

29 Any person who violates this Section commits an unlawful
30 practice within the meaning of this Act.

31 Section 99. Effective date. This Act takes effect January
32 1, 2006.

1 INDEX
2 Statutes amended in order of appearance

- 3 225 ILCS 45/1a-1
- 4 225 ILCS 45/3a from Ch. 111 1/2, par. 73.103a
- 5 225 ILCS 45/3a-1 new
- 6 225 ILCS 45/3a-2 new
- 7 225 ILCS 45/3a-3 new
- 8 225 ILCS 45/3a-4 new
- 9 225 ILCS 45/3a-5
- 10 225 ILCS 45/3f
- 11 410 ILCS 18/10.1 new
- 12 410 ILCS 18/10.2 new
- 13 410 ILCS 18/10.3 new
- 14 410 ILCS 18/10.4 new
- 15 410 ILCS 18/11
- 16 410 ILCS 18/11.5
- 17 410 ILCS 18/13
- 18 410 ILCS 18/62.10
- 19 815 ILCS 390/6a new
- 20 815 ILCS 390/6b new
- 21 815 ILCS 390/6c new
- 22 815 ILCS 390/6d new
- 23 815 ILCS 390/7 from Ch. 21, par. 207
- 24 815 ILCS 390/8 from Ch. 21, par. 208
- 25 815 ILCS 390/9 from Ch. 21, par. 209
- 26 815 ILCS 390/12 from Ch. 21, par. 212
- 27 815 ILCS 390/14 from Ch. 21, par. 214
- 28 815 ILCS 505/2VV new