

REGULATED INDUSTRIES
SALES OF CEMETERY MERCHANDISE, FUNERAL MERCHANDISE AND FUNERAL SERVICES
CHAPTER 100
GENERAL PROVISIONS

191—100.1(523A) Purpose. This chapter and 191—Chapters 101 through 106 are promulgated to implement and administer the provisions of Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559 [2007 Iowa Code Supplement chapter 523A], and 2008 Iowa Acts, Senate File 2349 and House File 2555, which regulate the sale of cemetery merchandise, funeral merchandise, funeral services and any combination of those items. The provisions of this chapter also apply to 191—Chapters 101 through 106.

191—100.2(523A) Definitions. For purposes of 191—Chapters 100 through 106, the definitions in Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559, and 2008 Iowa Acts, Senate File 2349 and House File 2555, are incorporated by reference. In addition, the following definitions shall apply:

“*Active license*” means a license that is in effect and in good standing.

“*Commissioner*” means the Iowa insurance commissioner or staff of the Iowa insurance division as designated by the commissioner.

“*Commissioner’s Web site*” means the Web site of the Iowa insurance division, www.iid.state.ia.us.

“*Continuing education*” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills to maintain and improve compliance with 191—Chapters 100 through 106 and Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559, and 2008 Iowa Acts, Senate File 2349 and House File 2555, and to maintain and improve the safety and welfare of the public.

“*Credit*” means at least 50 minutes spent by a licensee in actual attendance at and in completion of an approved continuing education activity. A credit may also be given for independent study.

“*Discipline*” means any civil penalty or sanction that the commissioner imposes upon a licensee.

“*Expired license*” means a license that has not been renewed by the renewal date.

“*Inactive license*” means a license that has been placed on inactive status by the commissioner at the request of the licensee.

“*Independent study*” means a subject, program or activity that a person pursues autonomously that meets the standards for approval criteria in these rules and includes a test at the conclusion of the study. Independent study includes programs conducted using television, the Internet, video, sound-recorded programs, correspondence work, and other similar media.

“*License*” means a preneed seller license or a sales agent license issued pursuant to 191—Chapter 103 or 191—Chapter 104 and Iowa Code chapter 523A.

“*License certificate*” means any document issued by the commissioner as evidence that a person is licensed with the commissioner.

“*Licensed person*” means any person who holds a preneed seller or sales agent license pursuant to Iowa Code chapter 523A, including any person who holds an inactive license.

“*Licensee*” means any person to whom the commissioner has issued a preneed seller license or sales agent license.

“*License renewal date*” means the date assigned by the commissioner for renewal of a license.

“*Licensure*” means the granting of a license by the commissioner pursuant to Iowa Code chapter 523A.

“*Review*” means the commissioner’s verification of satisfactory completion of continuing education requirements during a specified time period for certain licensees and persons, as selected by the commissioner, presenting or sponsoring continuing education activities.

“*Unlicensed person*” means any person who does not have a preneed seller or sales agent license pursuant to Iowa Code chapter 523A, including any person who surrendered a license to the commissioner and any person whose license was revoked by the commissioner.

191—100.3(523A) Contact and correspondence.

100.3(1) *Contact information.* All mailed complaints, inquiries and correspondence shall be sent to Securities and Regulated Industries Bureau, Iowa Insurance Division, 340 Maple Street, Des Moines, Iowa 50319-0066. Telephone inquiries may be made at (877)955-1212. E-mail correspondence may be made through the commissioner's Web site: www.iid.state.ia.us.

100.3(2) *Complaints, inquiries and correspondence.* The commissioner may receive and process any complaint made regarding cemetery merchandise, funeral merchandise, funeral services or any combination of those items, or regarding a sales agent or a preneed seller that alleges certain acts or practices which may constitute one or more violations of the provisions of 191—Chapters 100 to 106 or of Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559, or 2008 Iowa Acts, Senate File 2349 and House File 2555. Where appropriate, the commissioner may refer complaints, in whole or in part, to other agencies. Any member of the public or the industry, or any federal, state, or local official, may make and file a complaint with the commissioner. Complaints may be received from sources outside the state of Iowa and processed in the same manner as those originating in Iowa. If required by the commissioner, complaints shall be made on forms prescribed and provided by the commissioner.

100.3(3) *Forms and instructions.* Copies of all required forms and instructions are available on the commissioner's Web site and may be obtained by mail.

191—100.4(523A) Fees.

100.4(1) *Manner of payment.* Fees required by 191—Chapters 100 through 106 may be paid by check, credit card, or electronically, if available, or as directed by the commissioner.

100.4(2) *Nonrefundable.* Fees are not refundable.

100.4(3) *Fee for paper filing.* The commissioner shall assess a \$25 processing fee, to reimburse the commissioner for expenses in processing the filing, for any filing submitted in a nonelectronic format, if electronic filing is available through the commissioner's Web site.

100.4(4) *Specific fees.* Except as stated in these rules, fees are set by statute.

a. The license fee for a preneed seller pursuant to 191—paragraph 103.2(1) “g” is \$100 plus \$15 for each criminal history background check request that the commissioner needs to make.

b. The license fee for a sales agent pursuant to 191—paragraph 103.2(2) “f” is \$20 plus \$15 for each criminal history background check request that the commissioner needs to make.

c. The fee for a four-year license renewal for a preneed seller or sales agent pursuant to 191—subrule 103.4(3) is \$20.

These rules are intended to implement Iowa Code chapter 523A, 2007 Iowa Acts, Senate File 559, and 2008 Iowa Acts, Senate File 2349 and House File 2555.

[Filed emergency 9/28/07—published 10/24/07, effective 9/28/07]

[Filed 10/16/08, Notice 7/2/08—published 11/5/08, effective 12/10/08]