

request, adequate accounts and records related to depreciation practices as defined herein.

Sec. 3. **REPEALER.**

(a) Minnesota Statutes, section 237.773, subdivision 5, is repealed.

(b) Minnesota Rules, parts 7810.7000; 7810.7100; 7810.7200; 7810.7300; 7810.7400; 7810.7500; 7810.7600; 7810.7700; 7810.7800; 7810.7900; and 7810.8000, are repealed.

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following enactment.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:54 p.m.

CHAPTER 437—S.F.No. 551

An act relating to domestic abuse; authorizing service of short form notification in lieu of personal service for orders for protection; expanding the definition of first degree murder in situations involving domestic abuse; providing enhanced penalties based upon a previous conviction or adjudication for malicious punishment of a child and other laws; increasing the cash bail for individuals charged with malicious punishment of a child; clarifying when evidence of similar prior conduct of an accused related to domestic abuse is admissible; changing certain domestic abuse enforcement procedures; changing a definition in the law related to the order of disposition of issues on a court's calendar; providing criminal penalties; amending Minnesota Statutes 1998, sections 518B.01, subdivisions 5, 8, and by adding subdivisions; 609.185; 609.224, subdivisions 2 and 4; 609.2242, subdivisions 2 and 4; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.377; 609.749, subdivisions 3 and 4; 629.471, subdivision 3; 630.36; and 634.20.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 518B.01, subdivision 5, is amended to read:

Subd. 5. **HEARING ON APPLICATION; NOTICE.** (a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order. If an ex parte order has been issued under subdivision 7 and a hearing requested, the time periods under subdivision 7 for holding a hearing apply. Personal service shall be made upon the respondent not less than five days prior to the hearing, if the hearing was requested by the petitioner. If a hearing was requested by the petitioner, personal service of the ex parte order may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if served fewer than five days prior to the hearing which continuance shall be granted unless there are

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compelling reasons not to. If the hearing was requested by the respondent after issuance of an ex parte order under subdivision 7, service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff or other law enforcement or corrections officer was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

Sec. 2. Minnesota Statutes 1998, section 518B.01, subdivision 8, is amended to read:

Subd. 8. SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.

(a) The petition and any order issued under this section shall be served on the respondent personally. In lieu of personal service of an order for protection, a law enforcement officer may serve a person with a short form notification as provided in subdivision 8a.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

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The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section, including the short form notification, must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any visitation proceeding, the court shall consider the order for protection in making a decision regarding visitation.

Sec. 3. Minnesota Statutes 1998, section 518B.01, is amended by adding a subdivision to read:

Subd. 8a. SHORT FORM NOTIFICATION. (a) In lieu of personal service of an order for protection under subdivision 8, a law enforcement officer may serve a person with a short form notification. The short form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the ex parte order for protection or order for protection was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.

The short form notification must be in bold print in the following form:

The order for protection is now enforceable. You must report to your nearest sheriff office or county court to obtain a copy of the order for protection. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the order for protection or this short form notification.

(b) Upon verification of the identity of the respondent and the existence of an unserved order for protection against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short form notification.

(c) When service is made by short form notification, it may be proved by the affidavit of the law enforcement officer making the service.

(d) For service under this section only, service upon an individual may occur at any time, including Sundays, and legal holidays.

(e) The superintendent of the bureau of criminal apprehension shall provide the short form to law enforcement agencies.

New language is indicated by underline, deletions by strikeout.

Sec. 4. Minnesota Statutes 1998, section 518B.01, is amended by adding a subdivision to read:

Subd. 22. VIOLATION OF A DOMESTIC ABUSE NO CONTACT ORDER.

(a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for domestic abuse. It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

Sec. 5. Minnesota Statutes 1998, section 609.185, is amended to read:

609.185 MURDER IN THE FIRST DEGREE.

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; or

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life.

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For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

For purposes of clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

Sec. 6. Minnesota Statutes 1998, section 609.224, subdivision 2, is amended to read:

Subd. 2. **GROSS MISDEMEANOR.** (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous conviction or adjudication of delinquency under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction or adjudication of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 7. Minnesota Statutes 1998, section 609.224, subdivision 4, is amended to read:

Subd. 4. **FELONY.** (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of any combination of two or more previous convictions or adjudications of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous convictions or adjudications of

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delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 8. Minnesota Statutes 1998, section 609.2242, subdivision 2, is amended to read:

Subd. 2. **GROSS MISDEMEANOR.** Whoever violates subdivision 1 during the time period between a previous conviction or adjudication of delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, against a family or household member as defined in section 518B.01, subdivision 2, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 9. Minnesota Statutes 1998, section 609.2242, subdivision 4, is amended to read:

Subd. 4. **FELONY.** Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim during the time period between the first of any combination of two or more previous convictions or adjudications of delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state and the end of the five years following discharge from sentence or disposition for that conviction or adjudication is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 10. Minnesota Statutes 1998, section 609.342, subdivision 3, is amended to read:

Subd. 3. **STAY.** Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse;

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

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Sec. 11. Minnesota Statutes 1998, section 609.343, subdivision 3, is amended to read:

Subd. 3. **STAY.** Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 12. Minnesota Statutes 1998, section 609.344, subdivision 3, is amended to read:

Subd. 3. **STAY.** Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 13. Minnesota Statutes 1998, section 609.345, subdivision 3, is amended to read:

Subd. 3. **STAY.** Except when imprisonment is required under section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and

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(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

Sec. 14. Minnesota Statutes 1998, section 609.377, is amended to read:

609.377 MALICIOUS PUNISHMENT OF A CHILD.

Subdivision 1. MALICIOUS PUNISHMENT. A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both as provided in subdivisions 2 to 6.

Subd. 2. GROSS MISDEMEANOR. If the punishment results in less than substantial bodily harm, the person may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. ENHANCEMENT TO A FELONY. Whoever violates the provisions of subdivision 2 during the time period between a previous conviction or adjudication for delinquency under this section or sections 609.221 to 609.2231, 609.224, 609.2242, 609.342 to 609.345, or 609.713, and the end of five years following discharge from sentence or disposition for that conviction or adjudication may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.

Subd. 4. FELONY; CHILD UNDER AGE FOUR. If the punishment is to a child under the age of four and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.

Subd. 5. FELONY; SUBSTANTIAL BODILY HARM. If the punishment results in substantial bodily harm, that the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 6. FELONY; GREAT BODILY HARM. If the punishment results in great bodily harm, that the person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

If the punishment is to a child under the age of four and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or a fine of \$10,000, or both.

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Sec. 15. Minnesota Statutes 1998, section 609.749, subdivision 3, is amended to read:

Subd. 3. **AGGRAVATED VIOLATIONS.** A person who commits any of the following acts is guilty of a felony:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) engages in harassing conduct harasses another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

Sec. 16. Minnesota Statutes 1998, section 609.749, subdivision 4, is amended to read:

Subd. 4. **SECOND OR SUBSEQUENT VIOLATIONS; FELONY.** A person is guilty of a felony who violates any provision of subdivision 2 during the time period between a previous conviction or adjudication of delinquency under this section; sections 609.221 to 609.2242; 518B.01, subdivision 14; 609.748, subdivision 6; or 609.713, subdivision 1 or 3; or a similar law from another state and the end of the ten years following discharge from sentence or disposition for that conviction or adjudication.

Sec. 17. Minnesota Statutes 1998, section 629.471, subdivision 3, is amended to read:

Subd. 3. **SIX TIMES THE FINE.** For offenses under sections 518B.01, 609.224, and 609.2242, and 609.377, the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is six times the highest cash fine that may be imposed for the offense.

Sec. 18. Minnesota Statutes 1998, section 630.36, is amended to read:

630.36 ISSUES, HOW DISPOSED OF.

Subdivision 1. **ORDER.** The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) indictments or complaints for felony, where the defendant is in custody;

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- (2) indictments or complaints for misdemeanor, where the defendant is in custody;
- (3) indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;
- (4) indictments or complaints alleging domestic assault abuse, as defined in subdivision 3, where the defendant is on bail;
- (5) indictments or complaints for felony, where the defendant is on bail; and
- (6) indictments or complaints for misdemeanor, where the defendant is on bail.

After a plea, the defendant shall be entitled to at least four days to prepare for trial, if the defendant requires it.

Subd. 2. **CHILD ABUSE DEFINED.** As used in subdivision 1, "child abuse" means ~~any~~ an act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.2242, 609.255, 609.321, 609.322, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or 609.224 if the minor victim is a family or household member of the defendant.

Subd. 3. **DOMESTIC ASSAULT ABUSE DEFINED.** As used in subdivision 1, "domestic assault abuse" means an assault committed by the actor against a family or household member, as defined has the meaning given in section 518B.01, subdivision 2.

Sec. 19. Minnesota Statutes 1998, section 634.20, is amended to read:

634.20 EVIDENCE OF PRIOR CONDUCT.

Evidence of similar prior conduct by the accused against the victim of domestic abuse, as defined under section 518B.01, subdivision 2, including evidence of a violation against a family or household member of:

- (1) an order for protection under section 518B.01;
- (2) section 609.713, subdivision 1;
- (3) a harassment restraining order under section 609.748; or
- (4) section 609.79, subdivision 1;

or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Similar prior conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

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Sec. 20. EFFECTIVE DATES.

Section 1 is effective the day following final enactment. Sections 2, 3, 18 and 19 are effective August 1, 2000. Sections 4 to 16 and 17 are effective August 1, 2000, and apply to crimes committed on or after that date.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:45 p.m.

CHAPTER 438—S.F.No. 2686

An act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3a. BURIAL SITE GOODS. “Burial site goods” means any goods sold or offered for sale or rental directly to the public for use in connection with the final disposition of a dead human body.

Sec. 2. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3b. BURIAL SITE SERVICES. “Burial site services” means any services sold or offered for sale directly to the public for use in connection with the final disposition of a dead human body.

Sec. 3. Minnesota Statutes 1998, section 149A.02, subdivision 22, is amended to read:

Subd. 22. FUNERAL PROVIDER. “Funeral provider” means any person that sells or offers to sell funeral goods or, funeral services, burial site goods, or burial site services to the public. “Funeral provider” does not include monument builders who sell and install markers and headstones, with or without foundations, at retail to the public, but do not sell any other funeral good, funeral service, burial good, or burial site service.

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