

other than for an agricultural purpose, is subject to, in addition to any claims and defenses provided the borrower elsewhere in this Article, all claims and defenses of the borrower against the seller arising from the sale of goods and services if:

(1) The banking institution knows that the seller arranged for the extension of credit by the banking institution;

(2) The sale is made in this State by a seller who allows the buyer to purchase the goods or services pursuant to a banking institution credit card or similar arrangement and the residence of the buyer is in this State;

(3) The banking institution otherwise knowingly participated in the sale.

(b) In determining knowing participation by the banking institution in a sale transaction, consideration may be given to the following factors, among others:

(1) That the banking institution was a person related to the seller unless the relationship was remote or was not a factor in the sale or loan;

(2) The proceeds of the loan were made payable in whole or in part to the seller;

(3) The banking institution takes a purchase money security interest in the goods which are the subject of the sale;

(4) That the seller guaranteed the loan or otherwise assumed the risk of loss by the banking institution upon the loan;

(5) That the banking institution directly supplied the seller with a form used by the borrower to evidence or secure the loan; or

(6) That the loan was conditioned on the borrower's purchase of the goods or services from the particular seller, but the licensee's payment of proceeds of the loan to the seller does not in itself establish that the loan was so conditioned.

(c) The banking institution's liability under this section may not exceed the amount owing to the banking institution with respect to the sale at the time the banking institution has notice of a claim or defense of the buyer against the seller. If two or more loans, other than pursuant to a revolving loan account, are consolidated, payments received after the consolidation are deemed, for the purpose of determining the amount owing the banking institution with respect to the sale, to have been first applied to the payment of the loans first made; if the loans consolidated arose from sales made on the same day, payments are deemed to have been first applied to the smallest loan. Payments received upon a revolving loan account are deemed, for the purpose of determining the amount owing the banking institution with respect to the sale, to have been first applied to the payment of credit service charges in the order of their entry to the account and then to the payment of loans in the order in which the entries to the account showing the loans were made.

SEC. 2 1. Be it enacted by the General Assembly of Maryland, That new Section 196A be and it is hereby added to Article 11 of the Code, title "Banks and Trust Companies," subtitle "Industrial Finance Companies," to follow immediately after Section 196 thereof, and to read as follows: