

A SELLER MAY NOT USE ANY GENERAL REFERRAL SALES TECHNIQUE, PLAN, ARRANGEMENT, OR AGREEMENT BY WHICH A BUYER IS INDUCED TO PURCHASE MERCHANDISE, REAL PROPERTY, OR INTANGIBLES ON THE REPRESENTATION OR PROMISE OF THE SELLER THAT IF THE BUYER FURNISHES TO THE SELLER THE NAMES OF OTHER PROSPECTIVE BUYERS OF LIKE OR IDENTICAL MERCHANDISE, REAL PROPERTY, OR INTANGIBLES, HE WILL RECEIVE A REDUCTION IN PURCHASE PRICE BY MEANS OF A CASH REBATE, COMMISSION, OR CREDIT TOWARD BALANCE DUE OR ANY OTHER CONSIDERATION.

REVISOR'S NOTE: This section presently appears as Art. 83, §21C.

The terms "real property" and "intangibles," derived from the present definition of "merchandise," are added here for purposes of emphasis. In this regard, see revisor's notes to §13-101(f).

Under §13-301(10) of this subtitle, the practices prohibited by this section and by the following sections of this subtitle constitute "unfair or deceptive trade practices," even though the scope of these sections are not all confined to "consumer" transactions, within the limited definitions of §13-101(c) and (d). The broader scope is required by the present language of these sections in Art. 83, the enactment of which predated adoption of §20D (from which §13-301 is derived) and adoption of the referenced definitions. The inclusion of these sections as "unfair or deceptive trade practices," subject to the general provisions of this title, would follow from their prohibitory, criminal nature, and, with respect to present §§ 21C and 21D, from the present use of the term "unlawful trade practice," an apparent counterpart term to "unfair or deceptive trade practice." (Present provisions of the Consumer Protection Act which are purely contractual in nature, rather than prohibitory, have been incorporated in Title 14, Subtitle 11 of this article.) This organization and construction, the Commission believes, is that intended by the General Assembly when it enacted Ch. 609, Acts of 1974, which generally amended and added to the Consumer Protection Act.

The only other changes are in style.

The Commission notes that present §21C, unlike