

(3) ANY ITEM SUBJECT TO THE PACKAGING OR LABELING REQUIREMENTS OF THE FEDERAL ALCOHOL ADMINISTRATION ACT OR TO ANY PRICING REQUIREMENTS UNDER FEDERAL LAW;

(4) ANY ITEM ACTUALLY BEING SOLD THROUGH A VENDING MACHINE;

(5) ANY ITEM DELIVERED DIRECTLY TO A RETAIL SALES AGENCY WITHOUT PASSING THROUGH WAREHOUSING OR OTHER INVENTORY FACILITY USED BY THE AGENCY; OR

(6) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A RETAIL SALES AGENCY WHICH:

(i) DURING THE PRECEDING CALENDAR YEAR, SOLD A GROSS VOLUME OF CONSUMER COMMODITIES OF LESS THAN \$750,000;

(ii) IS NOT PART OF A COMPANY WHICH CONSISTS OF TEN OR MORE SALES AGENCIES IN OR OUT OF THE STATE;

(iii) DERIVES LESS THAN 15 PERCENT OF ITS TOTAL REVENUES FROM CONSUMER COMMODITIES SUBJECT TO THIS SUBTITLE; OR

(iv) IS OWNED AND OPERATED BY NOT MORE THAN ONE [[PERSON]] INDIVIDUAL AND THE MEMBERS OF HIS IMMEDIATE FAMILY.

(B) EXCEPTIONS.

A SALES AGENCY WHICH OTHERWISE IS EXEMPT UNDER SUBSECTION (A) (6) OF THIS SECTION NEVERTHELESS IS SUBJECT TO THIS SUBTITLE IF, DURING THE PRECEDING CALENDAR YEAR, THE COMPANY OF WHICH THE SALES AGENCY IS A PART HAS A GROSS VOLUME OF SALES OF CONSUMER COMMODITIES IN EXCESS OF \$30,000,000.

REVISOR'S NOTE: This section presently appears as Art. 83, §21E(b).

The term "instrumentality" is deleted as unnecessary in light of the general term "sales agency."

Subsection (a) (4) is reworded for clarity, making the added qualifications as to items not sold through a vending machine unnecessary.

The only other changes are in style and organization.