

AFTER THE RECEIPT OF ANY MERCHANDISE CONSIDERED TO BE AN UNCONDITIONAL GIFT UNDER THIS SECTION, IF THE SENDER CONTINUES TO SEND ANY BILL, STATEMENT OF ACCOUNT, OR REQUEST FOR PAYMENT WITH RESPECT TO THE MERCHANDISE, THE RECIPIENT MAY BRING AN ACTION TO ENJOIN THE SENDER'S CONDUCT. IN THAT ACTION, THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND COSTS TO THE PREVAILING PARTY.

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

In this section, reference to a "firm, partnership," etc., is deleted as unnecessary in light of the definition of "person" contained in §14-1101.

Also, in this section, references to "goods [and] wares" are deleted as unnecessary in light of the definition of "merchandise" contained in §14-1101. Although present §20(b) - unlike new §14-1101 - defines "merchandise" as including "intangibles" and "real estate," the present use of the specific terms "goods, wares, or merchandise" in §21A implies that the section was only intended to apply to goods and not intangibles or real property. This result also follows from the general scheme of the section, as well as its use of the term "sending."

In subsection (b) of this section, reference is added to "registered" mail for purposes of emphasis. This is in accord with Art. 1, §20 of the Code which generally permits the use of either registered or certified mail as alternates to each other.

In subsection (c) of this section, which is a synthesis of the last paragraphs of each of present §21A(a) and (b), the terms "bill [and] statement of account" is substituted for "bill statement" for purposes of clarity.

The only other changes are in style.

14-1105. CREDIT CARD ISSUED WITHOUT REQUEST.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A CREDIT CARD OR CARD OF IDENTIFICATION FOR CREDIT IS ISSUED TO A PERSON WITHOUT HIS PRIOR REQUEST OR APPLICATION, THE CARD IS NOT CONSIDERED ACCEPTED UNTIL HE SIGNIFIES ACCEPTANCE IN WRITING OR USES IT TO OBTAIN