

basis insofar as price is concerned.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11-301(b) through 11-301(f), respectively, of Article - Commercial Law, of the Annotated Code of Maryland be renumbered to be Section(s) 11-301(c) through 11-301(g), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Commercial Law

11-301.

(B) "CONTROLLED OUTLET" MEANS AN OUTLET WHICH IS OPERATED BY A DISTRIBUTOR OR OPERATED BY COMPANY EMPLOYEES, A SUBSIDIARY COMPANY, COMMISSIONED AGENT, OR BY ANY PERSON WHO MANAGES THE OUTLET ON A FEE ARRANGEMENT WITH THE DISTRIBUTOR.

(E) "FARM COOPERATIVE" MEANS A COOPERATIVE ORGANIZED UNDER SUBTITLE 5 OF TITLE 5 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(F) "INDEPENDENT JOBBER" MEANS AN INDIVIDUAL WHO PURCHASES GASOLINE PRODUCTS FROM A WHOLESALER FOR RESALE TO A DEALER.

11-304.

(L) (1) A DISTRIBUTOR WHO SETS THE RETAIL PRICE OF GASOLINE THROUGH CONTROLLED OUTLETS SHALL PROVIDE THOSE NONCONTROLLED OUTLETS THAT IT SUPPLIES WITH GASOLINE PRODUCTS AT A WHOLESALE PRICE OF AT LEAST 4 CENTS PER GALLON UNDER THE LOWEST PRICE POSTED FOR EACH GRADE OF GASOLINE AT ANY CONTROLLED OUTLET. VIOLATION OF THIS SUBSECTION CONSTITUTES PRICE DISCRIMINATION AS PROHIBITED BY §11-204(3)-11-204(A)(3) OF THIS ARTICLE.

(2) THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO INDEPENDENT JOBBERS AND FARM COOPERATIVES.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 29, 1978.

CHAPTER 994

(House Bill 140)