It is revised to conform to the substantively identical definition of "goods" in the Retail Installment Sales Act in CL § 12-601.

Present Art. 83, § 164(e) refers to goods with a "cash price of ... $5,000 ... or less". On the other hand, Ch. 77, Acts of 1976, amended the corresponding definition of "goods" in the Retail Installment Sales Act to raise the cash price limit to $12,500. The failure to enact a corresponding amendment here apparently was an oversight. Therefore, the cash price limit in this subsection is conformed to that in the Retail Installment Sales Act.

(G) INSTALLMENT SALE AGREEMENT.

(1) "INSTALLMENT SALE AGREEMENT" MEANS A CONTRACT FOR THE RETAIL SALE OF GOODS, NEGOTIATED OR ENTERED INTO IN THIS STATE, UNDER WHICH:

(I) PART OR ALL OF THE PRICE IS PAYABLE IN ONE OR MORE PAYMENTS AFTER THE MAKING OF THE CONTRACT; AND

(II) THE SELLER TAKES COLLATERAL SECURITY OR KEEPS A SECURITY INTEREST IN THE GOODS SOLD.

(2) "INSTALLMENT SALE AGREEMENT" INCLUDES:

(I) A PROSPECTIVE INSTALLMENT SALE AGREEMENT;

(II) A PURCHASE MONEY SECURITY AGREEMENT; AND

(III) A CONTRACT FOR THE BAILMENT OR LEASING OF GOODS UNDER WHICH THE BAILEE OR LESSEE CONTRACTS TO PAY AS COMPENSATION A SUM THAT IS SUBSTANTIALLY EQUAL TO OR IS MORE THAN THE VALUE OF THE GOODS.

(3) "INSTALLMENT SALE AGREEMENT" DOES NOT INCLUDE A BONA FIDE C.O.D. TRANSACTION OR A LAYAWAY AGREEMENT AS DEFINED IN § 14-1101(G) OF THE COMMERCIAL LAW ARTICLE.

REVISOR'S NOTE: This subsection is new language derived from Art. 83, § 164(c).

It is revised to conform to the substantively identical definition of "installment sale agreement" in the Retail Installment Sales Act in CL § 12-601. In particular, the following are added for conformity: paragraph (2)(i); the reference to a "purchase money security agreement" in paragraph (2)(ii); and paragraph (3).