

(D) (1) "MERCHANT" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY, OFFERS OR MAKES AVAILABLE TO CONSUMERS ANY CONSUMER GOODS, CONSUMER SERVICES, OR CONSUMER REALTY.

(2) "MERCHANT" DOES NOT INCLUDE A PERSON WHO IS EXEMPT UNDER § 13-104 OF THIS ARTICLE.

(E) "TELEPHONE SOLICITATION" MEANS THE ATTEMPT BY A MERCHANT TO SELL OR LEASE CONSUMER GOODS, SERVICES, OR REALTY TO A CONSUMER LOCATED IN THIS STATE THAT IS:

(1) MADE ENTIRELY BY TELEPHONE; AND

(2) INITIATED BY THE MERCHANT.

14-2102.

THE PROVISIONS OF THIS ACT DO NOT APPLY TO A TRANSACTION:

(1) MADE IN ACCORDANCE WITH PRIOR NEGOTIATIONS IN THE COURSE OF A VISIT BY THE CONSUMER TO A MERCHANT OPERATING A RETAIL BUSINESS ESTABLISHMENT WHICH HAS A FIXED PERMANENT LOCATION AND WHERE CONSUMER GOODS ARE DISPLAYED OR OFFERED FOR SALE ON A CONTINUING BASIS;

(2) IN WHICH THE PERSON OR--THE--BUSINESS--ENTERPRISE MAKING THE SOLICITATION OR THE BUSINESS ENTERPRISE FOR WHICH THE PERSON IS CALLING:

(I) HAS MADE A PREVIOUS SALE TO THE CONSUMER;
OR

(II) HAS A PREEXISTING BUSINESS RELATIONSHIP WITH THE CONSUMER;

(3) WHICH IS COVERED BY THE PROVISIONS OF SUBTITLE 3 OF THIS TITLE;

(4) IN WHICH:

(I) THE CONSUMER MAY OBTAIN A FULL REFUND FOR THE RETURN OF UNDAMAGED AND UNUSED GOODS TO THE SELLER WITHIN 7 DAYS OF RECEIPT BY THE CONSUMER; AND

(II) IN--WHICH THE SELLER WILL PROCESS THE REFUND WITHIN 30 DAYS OF RECEIPT OF THE RETURNED MERCHANDISE BY THE CONSUMER;

(5) IN WHICH THE CONSUMER PURCHASES GOODS OR SERVICES PURSUANT TO AN EXAMINATION OF A TELEVISION, RADIO, OR PRINT ADVERTISEMENT OR A SAMPLE, BROCHURE, CATALOGUE, OR OTHER MAILING MATERIAL OF THE MERCHANT WHICH THAT CONTAINS: