

(iv) Who customarily and regularly exercises discretionary powers.

(3) "Professional employee" means any employee whose primary duties consist of the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study.

(c) Except as provided in subsection (d) of this section, in Allegany County, any wholesale or retail establishment may conduct business on Sunday after 1 p.m. for labor or profit in the usual manner and location, subject to the following:

(1) Except in cases of an emergency as declared by a federal, State, or local governmental authority, every nonmanagerial or nonprofessional employee of a retail or wholesale establishment may choose as a day of rest the employee's Sabbath or may choose Sunday as a day of rest by filing written notice with the employer.

(2) The employee may change the written designation during the course of that employee's employment if the employee files with the employer written notice of that change no later than 30 days prior to its effective date.

(3) The employer may not:

(i) Discharge, discipline, or discriminate against or penalize the employee for exercising the rights of choice provided in paragraph (1) of this subsection; or

(ii) Require any prospective employee to answer any question identifying the day of the week that that employee chooses as a day of rest or Sabbath.

(d) (1) In Allegany County, a new or used car dealer may not sell, dispose of, barter, deal in, deliver, give away, show, or offer for sale any motor vehicle or any certificate of title for any motor vehicle on Sunday.

(2) This section may not be construed to amend the law governing the sale of alcoholic beverages.

(e) (1) The State's Attorney of Allegany County may petition the Circuit Court for Allegany County to enjoin any violation of this section.

(2) Any person, firm, or corporation violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to the following penalties for each employee caused, directed, permitted, or authorized to work in violation of this section: