

(2) A cartage cost to the retail outlet if performed or paid for by the retailer, which, in the absence of proof of a lesser cost, is 0.75 percent of the cost to the retailer, after adding the freight charge but before adding the cartage cost and any markup;

(3) A markup to cover in part the cost of doing business, which, in the absence of proof of a lesser cost, is 5 percent of the cost to the retailer, after adding the freight charge and the cartage cost but before adding any markup; and

(4) An additional markup to cover in part the cost of doing business, which, in the absence of proof of a lesser cost, is 2 percent of the cost to the retailer, after adding the freight charge and the cartage cost but before adding any markup, if the retailer:

(i) Buys at wholesale or buys directly from the manufacturer or the agent or broker of the manufacturer; and

(ii) Receives a wholesale price or discount on merchandise for retail sale.

(c) "Cost to the wholesaler" means the lesser of the invoice cost or the replacement cost of the merchandise to the wholesaler [;], minus any discount other than a customary discount for cash [;], plus:

(1) A freight charge otherwise not included in the invoice cost or the replacement cost of the merchandise;

(2) A cartage cost to the retail outlet if performed or paid for by the wholesaler, which, in the absence of proof of a lesser cost, is 0.75 percent of the cost to the wholesaler, after adding the freight charge but before adding the cartage cost and any markup; and

(3) A markup to cover in part the cost of doing business, which, in the absence of proof of a lesser cost, is 2 percent of the cost to the wholesaler, after adding the freight charge and the cartage cost but before adding any markup.

#### DRAFTER'S NOTE:

Error: In § 11-401 of the Commercial Law Article, incorrect punctuation and omitted colon in the introductory language of subsection (b) and incorrect punctuation in the introductory language of subsection (c).

Occurred: Ch. 49, Acts of 1975.

11-1301.

(c) (2) "Cancel" includes a [defacto] DE FACTO cancellation.

(d) "[Defacto] DE FACTO cancellation" means actions taken by the grantor that:

(1) Materially alter the competitive business and economic conditions of a distributor;

(2) Are not applicable to similarly situated distributors of that grantor's products; and