

- (2) willfully uses a motor fuel advertisement that is misleading; [or]  
 (3) willfully markets motor fuel that has not been approved; OR  
 (4) SELLS MOTOR FUEL BELOW COST IN VIOLATION OF § 10-304.1 OF THIS SUBTITLE.

**Article - Commercial Law**

11-402.

This subtitle does not apply to an advertisement, offer to sell, retail sale, or wholesale sale, if the merchandise:

- (1) Is sold in a bona fide clearance sale and is so advertised and marked;  
 (2) Must be sold promptly in order to prevent loss;  
 (3) Is imperfect, damaged, or being discontinued and is so advertised and marked;  
 (4) Is sold on the final liquidation of a business;  
 (5) Is sold for charitable purposes or to relief agencies;  
 (6) Is sold on contract to a department of a government or governmental institution;  
 (7) Is sold by an officer acting under the order or direction of a court;  
 [or]  
 (8) Is sold at a price set in good faith to meet competition; OR  
 (9) IS MOTOR FUEL SOLD BY A RETAIL SERVICE STATION DEALER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

Approved May 18, 2001.

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**CHAPTER 617**  
**(House Bill 736)**

AN ACT concerning

**Business Regulation - Motor Fuel - Below Cost Sales**

FOR the purpose of prohibiting a retail service station dealer from selling motor fuel below cost, subject to certain exceptions; requiring the Comptroller of the State, on receipt of a certain complaint, to conduct a certain investigation within a certain amount of time; establishing certain penalties for a violation of this Act; exempting the sale of motor fuel sold by a retail service station dealer from the