

(B) WAIVER INVALID.

IN A CONSUMER TRANSACTION, A WAIVER BY THE DEBTOR OF HIS RIGHT AS A DEFENDANT IN AN ACTION OF REPLEVIN TO A HEARING OR TO NOTICE OF AN OPPORTUNITY TO BE HEARD BEFORE SEIZURE OF PROPERTY SECURING THE TRANSACTION IS VOID IF MADE BEFORE SERVICE OF NOTICE OF THE OPPORTUNITY TO BE HEARD.

REVISOR'S NOTE: This section presently appears as Art. 83, §21-I.

The only changes are in style.

14-1104. UNSOLICITED SENDING OF MERCHANDISE.

(A) OFFER WHICH INCLUDES UNSOLICITED SENDING OF MERCHANDISE.

(1) A PERSON MAY NOT OFFER ANY MERCHANDISE FOR SALE IN ANY MANNER OR BY ANY MEANS IF THE OFFER INCLUDES THE VOLUNTARY AND UNSOLICITED SENDING OF MERCHANDISE NOT ACTUALLY ORDERED OR REQUESTED BY THE RECIPIENT ORALLY OR IN WRITING.

(2) IF A PERSON RECEIVES ANY MERCHANDISE OFFERED FOR SALE IN VIOLATION OF THIS SUBSECTION, IT IS AN UNCONDITIONAL GIFT TO HIM FOR ALL PURPOSES. HE MAY USE OR DISPOSE OF THE MERCHANDISE IN ANY MANNER WITHOUT ANY OBLIGATION ON HIS PART TO THE SENDER.

(B) UNORDERED MERCHANDISE SENT AFTER TERMINATION OF MEMBERSHIP.

(1) IF A MEMBER OF AN ORGANIZATION MAKING RETAIL SALES OF MERCHANDISE TO ITS MEMBERS NOTIFIES THE ORGANIZATION BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF HIS TERMINATION OF MEMBERSHIP, ANY UNORDERED MERCHANDISE SENT TO THE MEMBER AFTER 30 DAYS FOLLOWING EXECUTION OF THE RETURN RECEIPT BY THE ORGANIZATION IS AN UNCONDITIONAL GIFT TO HIM FOR ALL PURPOSES. HE MAY USE OR DISPOSE OF THE MERCHANDISE IN ANY MANNER WITHOUT ANY OBLIGATION ON HIS PART TO THE ORGANIZATION.

(2) THIS SUBSECTION DOES NOT RELIEVE A PERSON FROM LIABILITY FOR DAMAGES TO WHICH HE MIGHT OTHERWISE BE SUBJECT IF HIS TERMINATION OF MEMBERSHIP BREACHES ANY AGREEMENT WITH THE ORGANIZATION. HOWEVER, HE MAY NOT BE SUBJECT TO ANY DAMAGES WITH RESPECT TO THE MERCHANDISE CONSIDERED UNDER THIS SUBSECTION TO BE AN UNCONDITIONAL GIFT TO HIM.

(C) INJUNCTION.