

HOUSE BILL 1256

R7

11r2903
CF SB 597

By: **Delegate Frush**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Manufacturer, Distributor, or Factory Branch – Dealer**
3 **Benefits and Web Sites**

4 FOR the purpose of prohibiting a certain manufacturer, distributor, or factory branch
5 from taking certain actions against a certain dealer because the dealer includes
6 a certain Internet Web site address on advertising; authorizing a certain dealer
7 to require a certain Internet Web site address to be shown on the
8 manufacturer's, distributor's, or factory branch's Web site in a certain manner
9 under certain circumstances; prohibiting a manufacturer, distributor, or factory
10 branch from refusing to offer to a dealer in the State certain benefit programs
11 except under certain circumstances; and generally relating to vehicle
12 manufacturers, distributors, and factory branches.

13 BY adding to
14 Article – Transportation
15 Section 15–207(k) and (l)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 15–207.

22 **(K) (1) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY**
23 **NOT TAKE PUNITIVE ACTION AGAINST A DEALER, DENY OR REFUSE TO PAY ANY**
24 **BENEFIT TO A DEALER THAT IS AVAILABLE TO OTHER DEALERS, OR FAIL TO**
25 **PROVIDE TO A DEALER ANY LINKS, REFERRALS, OR OTHER BENEFITS**
26 **INVOLVING THE MANUFACTURER'S, DISTRIBUTOR'S, OR FACTORY BRANCH'S**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INTERNET WEB SITE THAT ARE AVAILABLE TO OTHER DEALERS BECAUSE THE
2 DEALER INCLUDES THE DEALER'S INTERNET WEB SITE ADDRESS ON
3 ADVERTISING.

4 (2) IF A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH
5 REQUIRES THAT LINKS FROM THE MANUFACTURER'S, DISTRIBUTOR'S, OR
6 FACTORY BRANCH'S INTERNET WEB SITE BE ATTACHED TO A UNIQUE INTERNET
7 WEB SITE FEATURING ONLY INFORMATION ON THE MANUFACTURER'S,
8 DISTRIBUTOR'S, OR FACTORY BRANCH'S PRODUCTS, THE DEALER MAY REQUIRE
9 THE DEALER'S MAIN INTERNET WEB SITE ADDRESS TO BE SHOWN
10 PROMINENTLY ON EACH PAGE OF THE MANUFACTURER'S, DISTRIBUTOR'S, OR
11 FACTORY BRANCH'S UNIQUE INTERNET WEB SITE.

12 (L) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY NOT
13 REFUSE TO OFFER TO A DEALER IN THIS STATE A BONUS, INCENTIVE, OR OTHER
14 BENEFIT PROGRAM, IN WHOLE OR IN PART, THAT THE MANUFACTURER,
15 DISTRIBUTOR, OR FACTORY BRANCH OFFERS TO ALL OF ITS OTHER SAME
16 LINE-MAKE DEALERS NATIONALLY OR TO ALL OF ITS SAME LINE-MAKE
17 DEALERS IN THE STATES ADJACENT TO THIS STATE, UNLESS THE REFUSAL OR
18 FAILURE IS REASONABLY JUSTIFIED BY THE EXISTENCE OF SUBSTANTIALLY
19 AND DEMONSTRABLY DIFFERENT ECONOMIC OR MARKETING CONDITIONS IN
20 THIS STATE THAN EXIST IN THE STATES THAT RECEIVE THE BONUS, INCENTIVE,
21 OR BENEFIT PROGRAM.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.