
By: **Delegate Barve**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Maryland Gasohol and Gasoline Products Marketing Act**
3 **- Credit Cards - Use and Processing**

4 FOR the purpose of providing that certain distributors under the Maryland Gasohol
5 and Gasoline Products Marketing Act may not, directly or indirectly, require
6 certain dealers to process credit cards through certain persons or prohibit
7 certain dealers from making modifications to certain equipment to enable the
8 dealers to process credit cards through a certain source; clarifying that
9 distributors are prohibited from taking certain actions either directly or
10 indirectly; providing that any provision of a certain marketing agreement that
11 violates certain provisions of law is void and unenforceable; and generally
12 relating to the use and processing of credit cards under the Maryland Gasohol
13 and Gasoline Products Marketing Act.

14 BY repealing

15 Article - Commercial Law
16 Section 11-301(d)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2004 Supplement)

19 BY adding to

20 Article - Commercial Law
21 Section 11-304(n)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2004 Supplement)

24 BY renumbering

25 Article - Commercial Law
26 Section 11-301(e) through (k), respectively
27 to be Section 11-301(d) through (j), respectively
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Commercial Law**

4 11-301.

5 [(d) The distributor may not:

6 (1) Require the dealer to refuse credit card purchases of gasohol; or

7 (2) Provide that any credit card it issues may not be used for the
8 purchase of gasohol.]

9 11-304.

10 (N) (1) A DISTRIBUTOR, DIRECTLY OR INDIRECTLY, MAY NOT:

11 (I) REQUIRE A DEALER TO REFUSE CREDIT CARD PURCHASES OF
12 GASOHOL;

13 (II) PROHIBIT ANY CREDIT CARD IT ISSUES FROM BEING USED FOR
14 THE PURCHASE OF GASOHOL;

15 (III) REQUIRE A DEALER TO PROCESS CREDIT CARDS THROUGH THE
16 DISTRIBUTOR OR A THIRD PARTY DESIGNATED BY THE DISTRIBUTOR; OR

17 (IV) PROHIBIT A DEALER FROM MAKING MODIFICATIONS TO
18 MOTOR FUEL DISPENSING EQUIPMENT, CREDIT CARD EQUIPMENT, OR ANY OTHER
19 EQUIPMENT TO ENABLE THE DEALER TO PROCESS CREDIT CARDS THROUGH A
20 SOURCE SELECTED BY THE DEALER.

21 (2) ANY PROVISION OF A MARKETING AGREEMENT THAT VIOLATES
22 PARAGRAPH (1) OF THIS SUBSECTION IS VOID AND UNENFORCEABLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11-301(e)
24 through (k), respectively, of Article - Commercial Law of the Annotated Code of
25 Maryland be renumbered to be Section(s) 11-301(d) through (j), respectively.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2005.