
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 **- Remedies - Recovery of Fees**

4 FOR the purpose of providing that certain dealers that prevail in an action brought to
5 enforce any provision of the Maryland Gasohol and Gasoline Products
6 Marketing Act shall be entitled to recover certain attorney's and expert witness
7 fees; authorizing certain marketing agreements to provide for the recovery, in an
8 action brought by a dealer against a distributor, of certain attorney's or expert
9 witness fees by the distributor only if the court makes a certain finding; and
10 generally relating to remedies in actions brought under the Maryland Gasohol
11 and Gasoline Products Marketing Act.

12 BY repealing and reenacting, with amendments,
13 Article - Commercial Law
14 Section 11-307
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

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

19 **Article - Commercial Law**

20 11-307.

21 (A) Any person who violates any provision of this subtitle is liable for damages
22 caused by the violation and is subject to the other legal or equitable remedies
23 available to the party injured by the violation.

24 (B) A DEALER THAT PREVAILS IN AN ACTION BROUGHT TO ENFORCE ANY
25 PROVISION OF THIS SUBTITLE SHALL BE ENTITLED TO RECOVER REASONABLE
26 ATTORNEY'S AND EXPERT WITNESS FEES.

27 (C) A MARKETING AGREEMENT MAY PROVIDE FOR THE RECOVERY, IN AN
28 ACTION BROUGHT BY A DEALER AGAINST A DISTRIBUTOR, OF REASONABLE

1 ATTORNEY'S OR EXPERT WITNESS FEES BY THE DISTRIBUTOR ONLY IF THE COURT
2 FINDS THE ACTION WAS BROUGHT IN BAD FAITH OR WITHOUT SUBSTANTIAL
3 JUSTIFICATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.