

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1093  
Economic Matters

(Delegate Barve)

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Commercial Law - Maryland Gasohol and Gasoline Products Marketing Act -  
Marketing Premises

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This bill prohibits a distributor under the Maryland Gasohol and Gasoline Products Marketing Act from selling, transferring, or assigning to another person the distributor's interest in the marketing premises unless the distributor: (1) offers to sell, transfer, or assign the interest to the dealer (the retail seller of these products); or (2) if applicable, offers a right of first refusal of another person's offer to purchase to the dealer. If a distributor leases the marketing premises from a third party and subleases it to the dealer, the distributor may not sell, transfer, or assign the distributor's interest unless the distributor: (1) offers to sell, transfer, or assign that interest, as well as the distributor's interest in any improvements or equipment under specified circumstances to the dealer; or (2) if applicable, offers a right of first refusal of another person's offer to purchase to the dealer.

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Fiscal Summary

**State Effect:** The bill would not directly affect governmental finances or operations.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** A distributor's obligation toward a dealer when disposing of its interest in the marketing premises is not specifically governed by statute.

A person who violates a provision of the Maryland Gasohol and Gasoline Products Marketing Act is liable for damages caused by the violation and is subject to any other legal or equitable remedies available to the party injured by the violation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General (Consumer Protection Division),  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2005  
mam/jr

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