

# HOUSE BILL 652

I4

9lr0130

---

By: **Chair, Economic Matters Committee (By Request – Departmental – Comptroller)**

Introduced and read first time: February 9, 2009

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Gasohol and Gasoline Products Marketing Act – Exclusion of Independent**  
3 **Jobbers – Repeal**

4 FOR the purpose of repealing the exclusion of certain independent jobbers, who  
5 purchase gasohol or gasoline products from a wholesaler for resale to a dealer,  
6 from the Maryland Gasohol and Gasoline Products Marketing Act.

7 BY repealing

8 Article – Commercial Law

9 Section 11–301(h)

10 Annotated Code of Maryland

11 (2005 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Commercial Law

14 Section 11–301(i) through (k) and 11–304(l)

15 Annotated Code of Maryland

16 (2005 Replacement Volume and 2008 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 11–301.

21 [(h) “Independent jobber” means an individual or corporation who purchases  
22 gasohol or gasoline products from a wholesaler for resale to a dealer.]

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1            [(i)] (H)        “Marketing agreement” means an oral or written agreement  
2 between a distributor and a dealer under which the dealer is granted the right, for the  
3 purpose of engaging in the retail sale of gasohol or gasoline products supplied by the  
4 distributor, to:

5                    (1)        Use a trademark, trade name, service mark, or other identifying  
6 symbol or name owned by the distributor; or

7                    (2)        Occupy premises owned, leased, or controlled by the distributor.

8            [(j)] (I)        “Person” includes an individual, corporation, business trust, estate,  
9 trust, partnership, association, two or more persons having a joint or common interest,  
10 or any other legal or commercial entity.

11           [(k)] (J)        “Retail sale” means the sale of a product for purposes other than  
12 resale.

13    11–304.

14            (1)        (1)        A distributor who sets the retail price of gasoline through  
15 controlled outlets shall provide those noncontrolled outlets that it supplies with  
16 gasoline products at a wholesale price of at least 4 cents per gallon under the lowest  
17 price posted for each grade of gasoline at any controlled outlet. Violation of this  
18 subsection constitutes price discrimination as prohibited by § 11–204(a)(3) of this  
19 article.

20                    (2)        The provisions of this act do not apply to [independent jobbers  
21 and] farm cooperatives.

22            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 June 1, 2009.