



General Assembly

February Session, 2000

Amendment

LCO No. 4958

Offered by:

SEN. SULLIVAN, 5th Dist.

To: Subst. House Bill No. 5204

File No. 670

Cal. No. 504

"An Act Revising Certain Transportation Laws."

1 After line 783, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 41. (NEW) (a) A franchisor shall not sell, transfer or assign to
4 another person the franchisor's interest in the marketing premises that
5 the franchisee has occupied for at least three years under a lease,
6 sublease or other grant of authority to occupy such premises, unless
7 the franchisor first (1) makes a bona fide offer to sell, transfer or assign
8 to the franchisee the franchisor's interest in the premises, other than
9 signs displaying the franchisor's insignia and any other trademarked,
10 servicemarked, copyrighted or patented items of the franchisor, or (2)
11 if applicable, offers to the franchisee a right of first refusal of any bona
12 fide offer acceptable to the franchisor made by another to purchase the
13 franchisor's interest in the premises.

14 (b) Nothing in this section shall be construed to require a franchisor
15 to continue an existing franchise agreement, to renew a franchise
16 relationship if not otherwise required by federal law or to modify a

17 franchise agreement in effect on the effective date of this act, until such
18 agreement is renewed.

19 (c) For purposes of this section, "marketing premises" means,
20 premises which, under a franchise, are to be employed by the
21 franchisee in connection with the sale, consignment or distribution of
22 motor fuel and "leased marketing premises" means marketing
23 premises owned, leased or controlled by a franchisor and which the
24 franchisee is permitted, under the franchise, to employ in connection
25 with the sale, consignment or distribution of motor fuel."