



General Assembly

Amendment

February Session, 2004

LCO No. 2975

SB0021902975SR0

Offered by:

SEN. SMITH, 14th Dist.

To: Senate Bill No. 219

File No. 135

Cal. No. 138

"AN ACT REDUCING THE SULFUR CONTENT OF HOME HEATING OIL AND OFF-ROAD DIESEL FUEL."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (f) of section 42-133l of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2004*):

6 (f) No franchisor, directly or indirectly, through any officer, agent or
7 employee, shall do any of the following: (1) Require a franchisee at the
8 time of entering into an agreement to assent to a release, assignment,
9 novation, waiver, or estoppel which would relieve any person from
10 liability imposed by sections 42-133j to 42-133n, inclusive; (2) prohibit,
11 directly or indirectly, the right of free association among franchisees
12 for any lawful purpose; (3) prohibit the transfer by will of any
13 franchise and the rights of any franchisee under any franchise
14 agreement to a spouse or child of such franchisee; (4) require or
15 prohibit any change in management of any franchise unless such

16 requirement or prohibition of such change shall be for good cause,
17 which cause shall be stated in writing by the franchisor; (5) impose
18 unreasonable standards of performance upon a franchisee; (6) fail to
19 deal in good faith with a franchisee; (7) sell, rent or offer to sell to a
20 franchisee any product or service for more than a fair and reasonable
21 price; (8) impose on a franchisee by contract, rule or regulation,
22 whether written or oral, any standard of conduct unless the franchisor,
23 his agents or representatives sustain the burden of proving such to be
24 reasonable and necessary; (9) discriminate between franchisees in the
25 charges offered or made for royalties, goods, services, equipment,
26 rentals, advertising services, or in any other business dealing, unless
27 (A) any such type of discrimination between franchisees would be
28 necessary to allow a particular franchisee to fairly meet competition in
29 the open market, or (B) to the extent that the franchisor satisfies the
30 burden of proving that any classification of or discrimination between
31 franchisees is reasonable, is based on franchises granted at materially
32 different times and such discrimination is reasonably related to such
33 difference in time or on other proper and justifiable distinctions
34 considering the purposes of sections 42-133j to 42-133n, inclusive, and
35 is not arbitrary; [Nothing shall be construed under this subsection,
36 however, as granting to any franchisor any right which may be limited
37 by any other state or federal statutes;] (10) notify the franchisee of a
38 claimed breach of franchise agreement for good cause later than one
39 hundred eighty days from the date said good cause arises or one
40 hundred eighty days after the franchisor knew or in the exercise of
41 reasonable care should have known of said claimed good cause; or (11)
42 require or coerce a gasoline franchisee to sell gasoline at a specific price
43 or in a specific price range."