

# HOUSE BILL 212

R4

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CF SB 178

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By: **Delegates Qi, Brooks, Charkoudian, Charles, Crosby, Fennell, R. Lewis, Rogers, Shetty, Valderrama, and C. Watson**

Introduced and read first time: January 16, 2020

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Manufacturers and Dealers – Advertisements**

3 FOR the purpose of providing that a manufacturer, distributor, or factory branch may not  
4 take adverse action against a dealer for advertising a vehicle for sale or lease at a  
5 certain price or coerce or require a dealer to change the advertising medium for a  
6 certain price; defining a certain term; and generally relating to advertising for the  
7 sale or lease of vehicles.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 15–207(a) and (h)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article – Transportation  
15 Section 15–313(a) and (b)  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2019 Supplement)

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

20 **Article – Transportation**

21 15–207.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) (i) “Coerce” means to compel or attempt to compel by threat of harm,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



breach of contract, or other adverse action or consequences, including the loss of any incentive or other benefit made available to other dealers of the same line make in the State.

(ii) “Coerce” includes to act in a manner that violates § 15–206.1 of this subtitle.

(iii) “Coerce” does not include to argue, urge, recommend, or persuade.

**(3) “PURCHASE PRICE” MEANS THE FULL DELIVERED PRICE OF A VEHICLE, EXCLUDING ONLY TAXES, TITLE FEES, AND ANY FREIGHT OR DEALER PROCESSING CHARGE DISCLOSED IN ACCORDANCE WITH § 15–311.1 OF THIS TITLE.**

**(4) “Require” means to impose upon a dealer a provision not required by law or previously agreed to by a dealer in a franchise agreement, excluding business decisions made to comply with the requirements of this title by a manufacturer, distributor, or factory branch which are uniformly applied to all Maryland dealers in new vehicles of the manufacturer, distributor, or factory branch.**

(h) (1) (i) Any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms that a manufacturer, distributor, or factory branch offers or advertises, or allows its dealers to offer or advertise, shall be offered to all dealers of the same line make.

(ii) Any manufacturer, distributor, or factory branch that denies the benefit of any consumer rebates, dealer incentives, price or interest rate reductions, or finance terms to a dealer on the basis that the dealer failed to comply with performance standards has the burden of proving that the performance standards comply with the provisions of this section.

(2) Unless a dealer violates a State or local law intended to protect the public, a manufacturer, distributor, or factory branch may not:

(i) Require a dealer to alter or replace an existing dealership facility; or

(ii) Deny, or threaten to deny, any benefit generally available to all dealers for a dealer’s failure to alter or replace an existing dealership facility.

**(3) UNLESS A DEALER VIOLATES § 15–313(A) OR (B) OF THIS TITLE OR A STATE OR LOCAL LAW INTENDED TO PROTECT THE PUBLIC, A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY NOT:**

**(I) TAKE ADVERSE ACTION AGAINST A DEALER FOR ADVERTISING A VEHICLE FOR SALE OR LEASE AT THE PURCHASE PRICE; OR**

1                   **(II) COERCE OR REQUIRE A DEALER TO CHANGE THE MEDIUM**  
2 **FOR ADVERTISEMENT OF THE PURCHASE PRICE.**

3                   ~~[(3)]~~ **(4)**       A manufacturer, distributor, or factory branch may not reduce  
4 the price of a motor vehicle charged to a dealer or provide different financing terms to a  
5 dealer in exchange for the dealer's agreement to:

- 6                   (i)       Maintain an exclusive sales or service facility;
- 7                   (ii)      Build or alter a sales or service facility; or
- 8                   (iii)     Participate in a floor plan or other financing arrangement.

9 15-313.

10           (a)     A dealer or an agent or employee of a dealer may not use any advertisement  
11 that is in any way false, deceptive, or misleading.

12           (b)     A dealer or an agent or employee of a dealer may not by any means advertise  
13 or offer to the public any vehicle without intent to sell it as advertised or offered.

14           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
15 **October 1, 2020.**