

167F.

A DISTRIBUTOR WHO HAS A WRITTEN MARKETING AGREEMENT WITH A DEALER SHALL BE LIABLE TO THE DEALER AS PROVIDED IN 167-I FOR THE DISTRIBUTOR'S WRONGFUL OR ILLEGAL TERMINATION OR CANCELLATION OF THE MARKETING AGREEMENT DURING ITS TERM.

167G.

IT SHALL BE A DEFENSE TO ANY ACTION BROUGHT UNDER THE PROVISIONS OF THIS SUBHEADING THAT THE MARKETING AGREEMENT WAS TERMINATED OR CANCELLED BECAUSE:

- (1) OF A MUTUAL AGREEMENT BETWEEN THE PARTIES;
- (2) OF THE BANKRUPTCY OR INSOLVENCY OF THE DEALER;
- (3) THE DEALER FAILED TO COMPLY WITH THE EXPRESS REQUIREMENTS OF HIS AGREEMENT WITH THE DISTRIBUTOR; AND
- (4) THE DEALER FAILED TO ACT IN GOOD FAITH IN CARRYING OUT THE TERMS OF HIS AGREEMENT WITH THE DISTRIBUTOR.

167H.

NEITHER PARTY MAY RAISE ANY DEFENSE SET OUT IN SECTION 167G UNLESS IT SHALL GIVE WRITTEN NOTICE TO THE OTHER PARTY IN PERSON OR BY CERTIFIED MAIL OF ITS INTENT TO TERMINATE OR CANCEL AT LEAST 60 DAYS PRIOR TO THE DATE ON WHICH IT INTENDS TO TERMINATE OR CANCEL THE MARKETING AGREEMENT; PROVIDED, HOWEVER, THAT WHERE CRIMINAL MISCONDUCT, FRAUD, ABANDONMENT, BANKRUPTCY OR INSOLVENCY OF THE DEALER, ADULTERATION OF PRODUCT, OR THE GIVING OF A DISHONORED NON-SUFFICIENT FUND CHECK, IS PROVEN AT THE TIME OF TERMINATION OR CANCELLATION, THE 60 DAY NOTICE SHALL NOT BE REQUIRED. WHERE NOTICE IS GIVEN BY CERTIFIED MAIL, THE NOTICE SHALL BE EFFECTIVE ON THE DATE OF MAILING.

167I.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBHEADING SHALL BE CIVILLY LIABLE FOR DAMAGES CAUSED AS A RESULT OF THE VIOLATION, OR BE SUBJECT TO OTHER REMEDIES LEGAL OR EQUITABLE AS MAY BE AVAILABLE TO THE PARTY INJURED BY THE VIOLATION. ANY PERSON SUFFERING DAMAGES AS THE RESULT OF THE WRONGFUL OR ILLEGAL TERMINATION OR CANCELLATION OF A MARKETING AGREEMENT OR AS THE RESULT OF ANY OTHER VIOLATION OF THE PROVISIONS OF THIS SUBHEADING MAY BRING AN ACTION UNDER THIS SECTION AGAINST THE OTHER PARTY IN THE CIRCUIT COURTS OF THE SEVERAL COUNTIES OR THE SUPREME BENCH OF BALTIMORE CITY OR WHERE THE OFFENDING PARTY RESIDES OR HAS HIS PRINCIPAL PLACE OF BUSINESS.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstances is held invalid