Section 15-212.1

Annotated Code of Maryland

(1992 Replacement Volume and 1993 Supplement)

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

Article – Transportation

15-212.

(c)   (1)   The following factors, as they exist in the city or community in which the dealer is doing business, shall be included among those considered in determining under subsection (b)(3) of this section whether a dealer has been reasonably compensated:

(i)   The compensation being paid by other licensees to their dealers;

(ii)   The prevailing wage rate being paid by these dealers; and

(iii)   The prevailing labor rate being charged by these dealers.

(2)   Notwithstanding paragraph (1) of this subsection and except as provided in paragraph (3) of this subsection, a licensee may not compensate its dealers for work performed under any warranty under subsection (b)(3)(ii) of this section in an amount that is less than the average amount charged by the dealer to retail customers for nonwarranty work of like kind during the preceding 12 months as long as this amount is reasonable.

(3)   The provisions of paragraph (2) of this subsection do not apply to travel trailers or parts of systems, fixtures, appliances, furnishings, accessories, and features of motor homes that are not manufactured by the manufacturer of the motor home as a part of the unit.

(4)   (I)   ANY CLAIM FOR COMPENSATION MADE BY A DEALER UNDER THIS SECTION ON A PROPERLY COMPLETED FORM GENERALLY USED BY MANUFACTURERS, DISTRIBUTORS, AND FACTORY BRANCHES SHALL BE:

1.   APPROVED OR DISAPPROVED BY THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH WITHIN 30 DAYS AFTER RECEIPT OF THE CLAIM; AND

2.   PAID TO THE DEALER WITHIN 30 DAYS AFTER THE CLAIM WAS APPROVED.

(II)   ANY CLAIM THAT IS NOT DISAPPROVED IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THE FORM SHALL BE CONSIDERED TO BE APPROVED AND PAYMENT OF THE CLAIM SHALL BE MADE WITHIN 30 DAYS.

(III)   EXCEPT IN THE CASE OF AN INTENTIONALLY FALSE OR FRAUDULENT CLAIM BY A DEALER: