

~~DISTRIBUTOR, OR FACTORY BRANCH AND DEMONSTRATE THAT THE DESIGNATION OF THE QUALIFIED PERSON IS REASONABLE.~~

~~(2) IF THE HEARING OFFICER DETERMINES THAT THE DESIGNATION OF THE QUALIFIED PERSON IS:~~

~~(I) REASONABLE UNDER THE CIRCUMSTANCES, THE HEARING OFFICER SHALL FIND IN FAVOR OF THE DEALER AND THE DESIGNATION OF THE QUALIFIED PERSON AS A SUCCESSOR TO THE DEALERSHIP SHALL BE GIVEN EFFECT IN THE EVENT OF THE DEATH OR INCAPACITY OF THE DEALER; OR~~

~~(II) UNREASONABLE UNDER THE CIRCUMSTANCES, THE HEARING OFFICER SHALL FIND IN FAVOR OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH AND THE DESIGNATION OF THE QUALIFIED PERSON AS A SUCCESSOR TO THE DEALERSHIP MAY NOT BE GIVEN EFFECT.~~

~~(3) AN AGGRIEVED PARTY TO A HEARING UNDER THIS SUBSECTION MAY APPEAL THE FINDING OF THE HEARING OFFICER AS PROVIDED IN § 12-209 OF THIS ARTICLE.~~

(A) (1) A DESIGNATED FAMILY MEMBER OF A DECEASED OR INCAPACITATED DEALER MAY SUCCEED THE DEALER IN THE OWNERSHIP OR OPERATION OF THE DEALERSHIP UNDER THE EXISTING FRANCHISE AGREEMENT IF THE DESIGNATED FAMILY MEMBER:

(I) GIVES THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH WRITTEN NOTICE OF THE DESIGNATED FAMILY MEMBER'S INTENTION TO SUCCEED TO THE DEALERSHIP WITHIN 120 DAYS AFTER THE DEALER'S DEATH OR INCAPACITY;

(II) AGREES TO BE BOUND BY ALL OF THE TERMS AND CONDITIONS OF THE FRANCHISE AGREEMENT; AND

(III) MEETS THE CURRENT CRITERIA THAT THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH GENERALLY APPLIES IN QUALIFYING DEALERS.

(2) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY REFUSE TO HONOR THE EXISTING FRANCHISE AGREEMENT WITH THE DESIGNATED FAMILY MEMBER ONLY FOR GOOD CAUSE.

(B) (1) THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY REQUEST FROM A DESIGNATED FAMILY MEMBER PERSONAL AND FINANCIAL DATA REASONABLY NECESSARY TO DETERMINE WHETHER THE EXISTING FRANCHISE AGREEMENT SHOULD BE HONORED.

(2) THE DESIGNATED FAMILY MEMBER SHALL SUPPLY THE PERSONAL AND FINANCIAL DATA PROMPTLY UPON THE REQUEST.

(C) IF A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH BELIEVES THAT GOOD CAUSE EXISTS FOR REFUSING TO HONOR THE SUCCESSION, THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY, WITHIN 60 DAYS