

AFTER RECEIPT OF THE NOTICE OF THE DESIGNATED FAMILY MEMBER'S INTENT TO SUCCEED THE DEALER OR, IF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH REQUESTED PERSONAL OR FINANCIAL DATA, WITHIN 60 DAYS AFTER THE RECEIPT OF THE REQUESTED DATA, PROVIDE WRITTEN NOTICE TO THE DESIGNATED FAMILY MEMBER OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH'S REFUSAL TO APPROVE THE SUCCESSION.

(D) THE NOTICE OF THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH PROVIDED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION SHALL STATE THE SPECIFIC GROUNDS FOR THE REFUSAL TO APPROVE THE SUCCESSION AND THAT DISCONTINUANCE OF THE FRANCHISE AGREEMENT SHALL TAKE EFFECT NOT LESS THAN 90 DAYS AFTER THE DATE THE NOTICE IS PROVIDED.

(E) IF WRITTEN NOTICE OF REFUSAL IS NOT PROVIDED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE FRANCHISE AGREEMENT SHALL CONTINUE IN EFFECT AND SHALL BE SUBJECT TO TERMINATION ONLY AS OTHERWISE PERMITTED BY THIS TITLE.

(F) THIS SECTION DOES NOT PRECLUDE A DEALER FROM DESIGNATING ANY PERSON AS THE DEALER'S SUCCESSOR BY WRITTEN INSTRUMENT FILED WITH THE MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH. IF A WRITTEN INSTRUMENT IS FILED, THE INSTRUMENT ALONE SHALL DETERMINE THE SUCCESSION RIGHTS TO THE MANAGEMENT AND OPERATION OF THE DEALERSHIP.

15-214.

(A) IN ADDITION TO ANY OTHER RIGHT TO REQUEST A HEARING UNDER THIS SUBTITLE AND NOTWITHSTANDING ANY PROVISIONS OF THE FRANCHISE AGREEMENT TO THE CONTRARY, A DEALER, DESIGNATED DEALER SUCCESSOR AS PROVIDED IN § 15-211.1 OF THIS SUBTITLE, MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH MAY REQUEST A HEARING UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE TO:

(1) RESOLVE A DISPUTE INVOLVING A FRANCHISE AGREEMENT OR CONTRACT UNDER ANY PROVISION OF THIS TITLE BETWEEN A DEALER OR A DESIGNATED DEALER SUCCESSOR AND A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH; OR

(2) SEEK CLARIFICATION OR INTERPRETATION OF ANY PROVISION OF THIS SUBTITLE.

(B) IN MAKING A DETERMINATION REGARDING THE RIGHTS AND RESPONSIBILITIES OF THE PARTIES TO A HEARING UNDER THIS SUBTITLE, OR IN INTERPRETING OR APPLYING ANY PROVISION OF THIS SUBTITLE OR A FRANCHISE AGREEMENT, CONTRACT, OR DOCUMENT, THE HEARING OFFICER SHALL CONSIDER:

(4) THAT THERE IS A PRESUMPTION THAT THE RELATIONSHIP BETWEEN DEALERS AND MANUFACTURERS, DISTRIBUTORS, OR FACTORY BRANCHES REGULATED UNDER THIS SUBTITLE IS GOVERNED BY GOOD FAITH AND FAIR DEALING PRACTICES; AND