

(2002 Replacement Volume and 2003 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) A claim filed under this section by a dealer with a manufacturer or distributor shall be:

1. In the manner and form prescribed by the manufacturer or distributor; and

2. Approved or disapproved within 30 days of receipt.

(ii) A claim not approved or disapproved within 30 days of receipt shall be deemed approved.

(iii) Payment of or credit issued on a claim filed under this section shall be made within 30 days of approval.

(5) (4) A DEALER'S FAILURE TO COMPLY WITH THE SPECIFIC REQUIREMENTS OF THE MANUFACTURER OR DISTRIBUTOR FOR PROCESSING A CLAIM MAY NOT CONSTITUTE GROUNDS FOR DENIAL OF THE CLAIM OR REDUCTION OF THE AMOUNT OF COMPENSATION PAID TO THE DEALER IF THE DEALER PRESENTS REASONABLE DOCUMENTATION OR OTHER EVIDENCE TO SUBSTANTIATE THE CLAIM.