

Defined terms: "Business opportunity" § 14-101

"Buyer" § 14-101

"Person" § 1-101

14-125. FAILURE TO DELIVER PRODUCTS, EQUIPMENT, OR SUPPLIES.

(A) IN GENERAL.

IN CONNECTION WITH AN OFFER TO SELL OR SALE OF A BUSINESS OPPORTUNITY, A PERSON MAY NOT FAIL TO DELIVER PRODUCTS, EQUIPMENT, OR SUPPLIES NECESSARY TO BEGIN SUBSTANTIAL OPERATION OF THE BUSINESS WITHIN 45 DAYS AFTER THE DELIVERY DATE STATED IN THE CONTRACT TO BUY THE BUSINESS OPPORTUNITY.

(B) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY IF THE COMMISSIONER OR A COURT IN A CIVIL PROCEEDING FINDS THAT THE FAILURE IS DUE TO THE CONDITIONS STATED IN § 2-615 OF THE COMMERCIAL LAW ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 412(f).

In subsection (b) of this section, the former reference to an "administrative appeal" of the "determination by the Commissioner" is deleted as confusing surplusage.

Defined terms: "Business opportunity" § 14-101

"Commissioner" § 14-101

"Person" § 1-101

14-126. REMEDIES FOR VIOLATION.

(A) VOIDING CONTRACT; RETURN OF GOODS.

(1) IF A SELLER VIOLATES A PROVISION OF §§ 14-120 THROUGH 14-125 OF THIS SUBTITLE, THE BUYER, WITHIN 1 YEAR AFTER THE DATE OF A CONTRACT TO BUY A BUSINESS OPPORTUNITY:

(I) MAY VOID THE CONTRACT; AND

(II) IS ENTITLED TO RECEIVE FROM THE SELLER A REFUND OF ANY MONEY PAID TO THE SELLER.

(2) ON RECEIPT OF THE REFUND, THE BUYER SHALL MAKE AVAILABLE TO THE SELLER ANY PRODUCTS, EQUIPMENT, OR SUPPLIES RECEIVED FROM THE SELLER AT:

(I) THE BUYER'S ADDRESS; OR

(II) THE PLACE WHERE THE PRODUCTS, EQUIPMENT, OR SUPPLIES WERE LOCATED WHEN NOTICE TO VOID THE CONTRACT WAS GIVEN.