

SUBTITLE 4A. TRANSFER OF THE BUSINESS OF A DEALER19-4A-01.(A) IN THIS SUBTITLE, "FAMILY MEMBER" MEANS A:

- (1) SPOUSE;
- (2) CHILD;
- (3) SON-IN-LAW;
- (4) DAUGHTER-IN-LAW; OR

(5) LINEAL DESCENDANT OF THE DEALER OR PRINCIPAL OWNER OF THE DEALERSHIP.

(B) (1) A DEALER SHALL SUBMIT TO A SUPPLIER A WRITTEN REQUEST TO SELL OR TRANSFER THE DEALER'S BUSINESS, OR ANY PORTION OF THE DEALER'S BUSINESS, OR TO ENTER INTO AN AGREEMENT TO OPERATE THE DEALERSHIP WITH ANOTHER PERSON BEFORE EXECUTING THE SALE, TRANSFER, OR AGREEMENT.

(2) A DEALER'S REQUEST SHALL INCLUDE THE FOLLOWING INFORMATION REGARDING THE POTENTIAL TRANSFEREE AS REASONABLY REQUIRED BY THE SUPPLIER TO MAKE A DETERMINATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

- (I) FINANCIAL INFORMATION;
- (II) PERSONAL BACKGROUND;
- (III) CHARACTER REFERENCES; AND
- (IV) WORK HISTORY.

(C) (1) A SUPPLIER SHALL MAKE A DETERMINATION ON A REQUEST SUBMITTED BY A DEALER UNDER SUBSECTION (B)(1) OF THIS SECTION WITHIN 90 DAYS OF RECEIPT.

(2) IF THE SUPPLIER DETERMINES THAT THE REQUEST IS NOT ACCEPTABLE, THE SUPPLIER SHALL PROVIDE THE DEALER WITH A WRITTEN NOTICE OF ITS DETERMINATION THAT INCLUDES A STATEMENT OF THE REASONS FOR NONACCEPTANCE.

(3) NOTHING IN THIS SUBSECTION PERMITS AN HEIR, A PERSONAL REPRESENTATIVE, OR A FAMILY MEMBER OF A DECEASED DEALER TO OPERATE A DEALERSHIP WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SUPPLIER.

19-4A-02.

(A) THE HEIRS OF A DECEASED DEALER HAVE 180 DAYS AFTER THE DEALER'S DEATH TO ENTER INTO A NEW CONTRACT WITH THE SUPPLIER TO OPERATE THE DEALERSHIP.