



**Maryland Chamber of Commerce**

## **Legislative Position**

**SB 858**

**OPPOSE**

**Finance  
Committee**

**03/19/09**

### **SB 858**

## **Maryland Gasohol and Gasoline Products Marketing Act – Marketing Premises**

### **Brief Summary of Bill:**

SB 858 would require certain owners of gasoline stations to offer a right of first refusal to a tenant prior to selling or transferring ownership interests in the property.

### **Maryland Chamber's Position:**

The Maryland Chamber of Commerce opposes this bill because it diminishes the rights of commercial property owners and impairs existing contracts. One of the inherent rights of property ownership is the right to convey the property. This bill attempts to legislate away a commercial property owner's right to convey property to a buyer of their choice by requiring that the property must first be offered to a tenant. Such a legislated right of first refusal is unfair because it could reduce the price that such properties would command in the marketplace if multiple gas stations were bundled for sale.

The bill also attempts to retroactively rewrite existing franchise agreements in which dealers agreed by contract that franchisors had the clear right to sell the gas station to a buyer of their choice. Federal law already protects dealers from being evicted as a result of the sale of a gas station. This bill goes much further and voids commercial contracts that were freely entered into.

For these reasons, the Maryland Chamber respectfully urges that this bill be given an unfavorable report.

**For these reasons, the Maryland Chamber respectfully requests that the Committee give SB 858 an unfavorable report.**

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