

SENATE No. 91

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Gasoline Dealers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	Middlesex and Worcester
Jennifer M. Callahan	18th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO GASOLINE DEALERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this section the following words shall have the following meanings

2 “Book value”, actual cost less actual depreciation taken

3 “Marketing premises”, the premises that are used by a dealer in connection with the sale,
4 consignment or distribution of motor fuel

5 “Producer”, a person who purchases component elements and combines them to produce gasoline
6 products

7 “Refines”, a person who owns, operates or controls the operations of a refinery

8 Every marketing agreement is subject to the provisions of this section, whether or not expressly
9 set forth in the agreement. This section shall not apply to transactions otherwise covered under the
10 federal petroleum marketing act

11 If a producer or a refiner owns a fee simple interest in marketing premises leased to a dealer, the
12 producer or refiner may not sell, transfer, or assign to another person the producer's or refiner's interest in
13 the marketing premises unless the producer or refiner:

14 Makes a bona fide offer to sell, transfer, or assign to the dealer the producer's or refiner's interest
15 in the marketing premises, except for signs displaying the insignia or any other trademark, service mark,
16 copyright, or patented equipment of the producer or refiner; or

17 If applicable, offers a right of first refusal to the dealer of any bona fide offer acceptable to the
18 producer or refiner made by another person to purchase the producer's or refiner's interest in the
19 marketing premises.

20 If a producer or refiner leases marketing premises from a third party and subleases the marketing
21 premises to a dealer, the producer or refiner may not sell, transfer, or assign to another person the
22 producer's or refiner's interest in the third party lease unless the producer or refiner:

23 Makes a bona fide offer to sell, transfer, or assign to the dealer the producer's or refiner's interest
24 in the third party lease; and

25 Makes a bona fide offer to sell, transfer, or assign to the dealer the producer's or refiner's interest
26 in any improvements or equipment owned by the producer or refiner and located on the marketing
27 premises, except for signs displaying the insignia or any other trademark, service mark, copyright, or
28 patented equipment of the producer or refiner, at a price not exceeding the greater of the fair market value
29 or the book value of the improvements and equipment; or

30 If applicable, offers a right of first refusal to the dealer of any bona fide offer acceptable to the
31 producer or refiner made by another person to acquire the producer's or refiner's interest in the third party
32 lease and the improvements and equipment located at the marketing premises.

33 This section shall be applicable to all offers of bulk transfers of service stations made on or after
34 January 1, 2010.