

ACT 232

H.B. NO. 2465-78

A Bill for an Act Relating to Gasoline Dealers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 486H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 486H Rights of Dealer Family Member. (1) Upon the death of a

gasoline dealer, the franchise of said dealer and any leases or other agreements in connection therewith may be assumed by any dealer family member, who has actively participated in the franchise during the twelve (12) month period immediately preceding the dealer's death (but not necessarily continuously throughout such period), who meets the qualifications necessary to operate the station which would be customarily required by the petroleum distributor in question, and who gives written notice of his election to assume the franchise, and any leases or other agreements in connection therewith, to the petroleum distributor and any lessors of the premises within 30 days of the death of the gasoline dealer and affirms the same in writing within 15 days after such 30 day period.

(2) Any dealer family member who is entitled to give the notice under section (1) shall have the right to operate the franchise during the 45 day period provided for in Section (1) hereof.

(3) "Dealer family member" shall mean that person from the group consisting of the surviving spouse and surviving adult children of the dealer designated by the dealer in a written designation received by the petroleum distributor prior to his death, provided that in the absence of any written designation, the dealer family member shall be that one of the dealer's surviving spouse and his surviving adult children who is entitled to give and gives the notice provided for in (1) and who is chosen by said group. If said group does not choose the dealer family member within 45 days after the dealer's death, then the petroleum distributor shall have the option of choosing the dealer family member from among those who were entitled to give and give notice of their election to assume the franchise, any leases or other agreements in accordance with Section (1) hereof."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 8, 1978.)

*Edited accordingly.