



States' Biofuels Statutes

STATE OF WISCONSIN

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the Wisconsin General Assembly.

100.51. Motor fuel dealerships

(1) Definitions. As used in this section:

(a) “Dealer” has the meaning given under [s. 135.02\(2\)](#).

(b) “Dealership” has the meaning given under [s. 135.02\(3\)](#).

(c) “Designated family member” means the spouse or child of a motor fuel dealer who has been designated in the most recent motor fuel dealership agreement with the motor fuel grantor as the successor to ownership of the motor fuel dealership and who either inherits ownership of the motor fuel dealership by will or intestate succession or who, in the case of the legal incapacity of the dealer, is appointed by a court as guardian for the motor fuel dealership.

(d) “Grantor” has the meaning given under [s. 135.02\(5\)](#).

(2) Survivorship provisions required. Every motor fuel dealership agreement entered into, renewed or extended on or after December 1, 1987, shall contain all of the following provisions:

(a) Any designated family member may succeed to the ownership of the motor fuel dealership if all of the following conditions are met:

1. The designated family member gives the motor fuel grantor written notice of the intention to succeed to ownership of the motor fuel dealership within 60 days after the motor fuel dealer's death or legal incapacity.

2. Upon request of the motor fuel grantor, the designated family member provides personal and financial information reasonably necessary to determine under par. (b) whether the succession should be honored.

3. The designated family member agrees to be bound by all terms and conditions of the existing motor fuel dealership agreement.

4. There does not exist good cause under par. (b) for refusing to honor the succession.

(b) Good cause exists for refusing to honor a succession if a designated family member does not meet existing reasonable standards of the motor fuel grantor. The motor fuel grantor's existing reasonable standards may include requirements directly related to a person's management and technical skills, training and commercial experience, credit worthiness and other requirements directly related to a person's ability to operate the motor fuel dealership.

(c) If a motor fuel grantor believes in good faith, after requesting information under par. (a)2, that good cause exists for refusing to honor succession of the motor fuel dealership by a designated family member, the motor fuel grantor may, within 90 days after receipt of the information, give notice complying with par. (d) to the designated family member.

(d) The notice under par. (c) shall be in writing and shall include all of the following:

1. A statement of the motor fuel grantor's refusal to honor succession and of the specific grounds constituting good cause for the refusal.

2. A statement of the motor fuel grantor's intent to terminate the existing motor fuel dealership agreement with the designated family member on a date not sooner than 90 days after the date the notice is given.

(e) Except as provided in par. (f), if the notice under par. (c) is not given within the time period specified in par. (c), the motor fuel grantor may not terminate the existing motor fuel dealership agreement with the designated family member under this section and may only terminate the existing motor fuel dealership agreement as otherwise permitted by law.

(f) Notwithstanding pars. (b) to (d) and [ss. 135.03](#) and [135.04](#), the motor fuel grantor may terminate the existing motor fuel dealership agreement with the designated family member if, in the 12 months following receipt of the notice under par. (a)1, the volume of motor fuel sold by the motor fuel dealership is less than 90% of the average annual volume of motor fuel sold by the motor fuel dealership in the 3 years preceding receipt of the notice under par. (a)1, and the motor fuel grantor, within 15 months following receipt of the notice under par. (a)1, gives notice in writing to the designated family member which includes all of the following:

1. A statement of the motor fuel grantor's intent to terminate the existing motor fuel dealership agreement with the designated family member on a date not sooner than 90 days after the date the notice is given.

2. A statement of the specific reasons for termination.

(3) Enforcement of survivorship rights. (a) The department on behalf of the state or any person who claims injury as a result of a violation of sub. (2) may bring an action for temporary or permanent

injunctive relief in any circuit court. It is no defense to an action under this paragraph that an adequate remedy exists at law.

(b) In any proceeding to determine whether good cause exists under sub. (2)(b), a motor fuel grantor has the burden of proving that the designated family member does not meet the motor fuel grantor's existing, reasonable standards.

(4) Hours of business. (a) No motor fuel grantor may require a motor fuel dealer, who has a dealership with the motor fuel grantor on May 17, 1988, to keep his or her business open for more than 16 hours per day.

(b) Paragraph (a) applies to a motor fuel dealer after he or she renews or extends a motor fuel dealership agreement with a motor fuel grantor on or after May 17, 1988.

(5) Motor vehicles used by disabled; service. (a) In this subsection:

1. "Motor vehicle" has the meaning given in [s. 340.01\(35\)](#).
2. "Pump" means a device used to dispense motor fuel for sale at retail.

(b) A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle from a full-service pump at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:

1. The motor vehicle displays special registration plates issued under [s. 341.14\(1\)](#), [\(1a\)](#), [\(1m\)](#), or [\(1q\)](#) or a special identification card issued under [s. 343.51](#) or is a motor vehicle registered in another jurisdiction and displays a registration plate, card or emblem issued by the other jurisdiction that designates that the vehicle is used by a physically disabled person.
2. The driver of the motor vehicle asks for the same price as charged for motor fuel dispensed from a self-service pump.
3. The motor fuel dealer sells motor fuel at retail from both full-service and self-service pumps.

(c) An employee of a motor fuel dealer who dispenses motor fuel under par. (b) need not provide any other services that are not provided to a customer who uses a self-service pump.

(d) A motor fuel dealer that violates par. (b) may be required to forfeit not more than \$100 for each violation.

(6) Unblended gasoline sales requirement. (a) A motor fuel grantor that provides gasoline to a motor fuel dealer under a motor fuel dealership agreement shall offer gasoline to the motor fuel dealer that is not blended with ethanol and that is suitable for subsequent blending with ethanol and for resale. For purposes of this subsection, gasoline that is not blended with ethanol is not suitable for subsequent sale if the price charged for the unblended gasoline by the motor fuel grantor does not fairly reflect the average posted terminal price, as defined in [s. 100.30\(2\)\(a\)](#).

(b) No motor fuel dealership agreement or contract between a motor fuel dealer and a motor fuel grantor may require a motor fuel dealer to purchase ethanol for blending purposes only from the motor fuel grantor.

(c) Nothing in this subsection prohibits a motor fuel dealership agreement from requiring the motor fuel dealer to blend gasoline received under par. (a) with a specified amount of ethanol by volume prior to the sale of the gasoline to the end user.

(d) Nothing in this subsection prohibits a motor fuel dealership agreement from providing for the transfer of credits under [42 USC 7545\(o\)\(2\)](#) between the motor fuel dealer and the motor fuel grantor.

(f) A motor fuel grantor is not liable for penalties or damages arising out of the subsequent blending by another person of gasoline provided under this subsection. A motor fuel dealer that purchases gasoline that is not blended with ethanol and later sells the gasoline blended with ethanol shall provide prominent notice to the motor fuel dealer's customers identifying the person that blended the gasoline with ethanol.

(g) Paragraph (a) does not apply to the provision of gasoline by a motor fuel grantor to a motor vehicle fuel dealer located in a nonattainment area, as defined under [s. 285.01\(30\)](#).