

1 A bill to be entitled
2 An act relating to motor vehicle dealerships; amending s.
3 320.64, F.S.; revising provisions prohibiting certain acts
4 by a motor vehicle manufacturer, factory branch,
5 distributor, or importer licensed under specified
6 provisions; revising conditions and procedures for certain
7 audits; removing a presumption that a dealer had no actual
8 knowledge that a customer intended to export or resell a
9 motor vehicle; amending s. 320.642, F.S.; revising
10 provisions for establishing an additional motor vehicle
11 dealership in or relocating an existing dealer to a
12 location within a community or territory where the same
13 line-make vehicle is presently represented by a franchised
14 motor vehicle dealer or dealers; revising notice
15 requirements; revising provisions for denial of an
16 application for a motor vehicle dealer license in any
17 community or territory; revising provisions for evidence
18 to be considered by the Department of Highway Safety and
19 Motor Vehicles when evaluating the application; revising
20 provisions under which a dealer has standing to protest a
21 proposed additional or relocated motor vehicle dealer;
22 revising provisions for a proposed addition or relocation
23 concerning a dealership that performs only service;
24 amending s. 320.643, F.S.; revising provisions for
25 transfer, assignment, or sale of franchise agreements;
26 prohibiting rejection of proposed transfer of interest in
27 a motor vehicle dealer entity to a trust or other entity,
28 or a beneficiary thereof, that is established for estate

29 | planning purposes; prohibiting placing certain conditions
 30 | on such transfer; revising provisions for a hearing by the
 31 | department or a court relating to a proposed transfer;
 32 | providing for severability; providing an effective date.

34 | Be It Enacted by the Legislature of the State of Florida:

36 | Section 1. Subsections (25) and (26) of section 320.64,
 37 | Florida Statutes, are amended to read:

38 | 320.64 Denial, suspension, or revocation of license;
 39 | grounds.--A license of a licensee under s. 320.61 may be denied,
 40 | suspended, or revoked within the entire state or at any specific
 41 | location or locations within the state at which the applicant or
 42 | licensee engages or proposes to engage in business, upon proof
 43 | that the section was violated with sufficient frequency to
 44 | establish a pattern of wrongdoing, and a licensee or applicant
 45 | shall be liable for claims and remedies provided in ss. 320.695
 46 | and 320.697 for any violation of any of the following
 47 | provisions. A licensee is prohibited from committing the
 48 | following acts:

49 | (25) The applicant or licensee has undertaken an audit of
 50 | warranty, maintenance, and other service-related payments or of
 51 | incentive payments, including payments to a motor vehicle dealer
 52 | under any licensee-issued program, policy, or other benefit that
 53 | previously have been paid to a motor vehicle dealer, in
 54 | violation of this section or has failed to comply with any of
 55 | its obligations under s. 320.696. An applicant or licensee may
 56 | reasonably and periodically audit a motor vehicle dealer to

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57 | determine the validity of paid claims as provided in s. 320.696.
58 | Audits ~~Audit~~ of warranty, maintenance, and other service-related
59 | payments shall only be performed by an applicant or licensee
60 | during ~~for~~ the 1-year period immediately following the date the
61 | claim was paid. Audits ~~Audit~~ of incentive payments shall only be
62 | performed by an applicant or licensee during ~~for~~ an 18-month
63 | period immediately following the date the incentive was paid.
64 | After those time periods have elapsed, all warranty,
65 | maintenance, and other service-related payments and incentive
66 | payments shall be deemed final and incontrovertible for any
67 | reason cognizant under any applicable law and the motor vehicle
68 | dealer shall not be subject to any charge back or repayment. An
69 | applicant or licensee may deny a claim or, as a result of a
70 | timely conducted audit, charge back a motor vehicle dealer for
71 | warranty, maintenance, or other service-related payments or
72 | incentive payments only if ~~An applicant or licensee shall not~~
73 | ~~deny a claim or charge a motor vehicle dealer back subsequent to~~
74 | ~~the payment of the claim unless~~ the applicant or licensee can
75 | show that the warranty, maintenance, or other service-related
76 | claim or incentive claim was false or fraudulent or that the
77 | motor vehicle dealer failed to substantially comply with the
78 | reasonable, written, and uniformly applied procedures of the
79 | applicant or licensee for such repairs or incentives. An
80 | applicant or licensee may not charge a motor vehicle dealer back
81 | subsequent to the payment of a warranty, maintenance, or
82 | service-related claim or incentive claim unless, within 30 days
83 | or a timely conducted audit, a representative of the applicant
84 | or licensee first meets in person, by telephone, or by video

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85 | teleconference with an officer or employee of the dealer
86 | designated by the motor vehicle dealer. At such meeting the
87 | applicant or licensee must provide a detailed explanation, with
88 | supporting documentation, as to the basis for each of the claims
89 | for which the applicant or licensee proposed a charge-back to
90 | the dealer and a written statement containing the basis upon
91 | which the motor vehicle dealer was selected for audit or review.
92 | Thereafter, the applicant or licensee must provide the motor
93 | vehicle dealer's representative a reasonable period after the
94 | meeting within which to respond to the proposed charge-backs,
95 | with such period to be commensurate with the volume of claims
96 | under consideration, but in no case less than 45 days after the
97 | meeting. The applicant or licensee is prohibited from changing
98 | or altering the basis for each of the proposed charge-backs as
99 | presented to the motor vehicle dealer's representative following
100 | the conclusion of the audit unless the applicant or licensee
101 | receives new information affecting the basis for one or more
102 | charge-backs and that new information is received within 60 days
103 | after the conclusion of the timely conducted audit. If the
104 | applicant or licensee claims the existence of new information,
105 | the dealer must be given the same right to a meeting within 30
106 | days after the applicant's or licensee's receipt of the new
107 | information and right to respond as when the charge-back was
108 | originally presented.

109 | (26) Notwithstanding the terms of any franchise agreement,
110 | including any licensee's program, policy, or procedure, the
111 | applicant or licensee has refused to allocate, sell, or deliver
112 | motor vehicles; charged back or withheld payments or other

113 things of value for which the dealer is otherwise eligible under
 114 a sales promotion, program, or contest; prevented a motor
 115 vehicle dealer from participating in any promotion, program, or
 116 contest; or has taken or threatened to take any adverse action
 117 against a dealer, including charge-backs, reducing vehicle
 118 allocations, or terminating or threatening to terminate a
 119 franchise because the dealer sold or leased a motor vehicle to a
 120 customer who exported the vehicle to a foreign country or who
 121 resold the vehicle, unless the licensee proves that the dealer
 122 had actual knowledge that the customer intended to export or
 123 resell the motor vehicle. ~~There is a conclusive presumption that~~
 124 ~~the dealer had no actual knowledge if the vehicle is titled or~~
 125 ~~registered in any state in this country.~~

126
 127 A motor vehicle dealer who can demonstrate that a violation of,
 128 or failure to comply with, any of the preceding provisions by an
 129 applicant or licensee will or can adversely and pecuniarily
 130 affect the complaining dealer, shall be entitled to pursue all
 131 of the remedies, procedures, and rights of recovery available
 132 under ss. 320.695 and 320.697.

133 Section 2. Subsections (1) and (2), paragraph (a) of
 134 subsection (3), and paragraphs (b) and (c) of subsection (6) of
 135 section 320.642, Florida Statutes, are amended to read:

136 320.642 Dealer licenses in areas previously served;
 137 procedure.--

138 (1) Any licensee who proposes to establish an additional
 139 motor vehicle dealership or permit the relocation of an existing
 140 dealer to a location within a community or territory where the

141 same line-make vehicle is presently represented by a franchised
 142 motor vehicle dealer or dealers shall give written notice of its
 143 intention to the department. Such notice shall state:

144 (a) The specific location at which the additional or
 145 relocated motor vehicle dealership will be established.

146 (b) The date on or after which the licensee intends to be
 147 engaged in business with the additional or relocated motor
 148 vehicle dealer at the proposed location.

149 (c) The identity of all motor vehicle dealers who are
 150 franchised to sell the same line-make vehicle with licensed
 151 locations in the county and ~~or~~ any contiguous county to the
 152 county where the additional or relocated motor vehicle dealer is
 153 proposed to be located.

154 (d) The names and addresses of the dealer-operator and
 155 principal investors in the proposed additional or relocated
 156 motor vehicle dealership.

157
 158 Immediately upon receipt of such notice the department shall
 159 cause a notice to be published in the Florida Administrative
 160 Weekly. The published notice shall state that a petition or
 161 complaint by any dealer with standing to protest pursuant to
 162 subsection (3) must be filed not more than 45 ~~30~~ days after ~~from~~
 163 the date of publication of the notice in the Florida
 164 Administrative Weekly. The published notice shall describe and
 165 identify the proposed dealership sought to be licensed, and the
 166 department shall cause a copy of the notice to be mailed to
 167 those dealers identified in the licensee's notice under
 168 paragraph (c).

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169 (2) (a) An application for a motor vehicle dealer license
170 in any community or territory shall be denied when:

171 1. A timely protest is filed by a presently existing
172 franchised motor vehicle dealer with standing to protest as
173 defined in subsection (3); and

174 2. The licensee fails to show that the existing franchised
175 dealer or dealers who register new motor vehicle retail sales or
176 retail leases of the same line-make in the community or
177 territory of the proposed dealership are not providing adequate
178 representation, adequate competition, and convenient customer
179 service of such line-make motor vehicles in a manner beneficial
180 to the public interest in such community or territory. The
181 ultimate burden of proof in establishing inadequate
182 representation, inadequate competition, and inconvenient
183 customer service shall be on the licensee. Any geographic
184 comparison area used to evaluate the performance of the line-
185 make or of the existing motor vehicle dealer or dealers within
186 the community or territory must be reasonably similar in
187 demographic traits to the community or territory of the proposed
188 site, including such factors as age, income, education, vehicle
189 size, class, or model preference, and product popularity, and
190 the comparison area must not be smaller than the largest entire
191 county in which any of the protesting dealers are located.
192 Reasonably expected market sales or service penetration must be
193 measured with respect to the community or territory as a whole
194 and not with respect to any part thereof or any identifiable
195 plot therein.

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196 (b) In determining whether the existing franchised motor
197 vehicle dealer or dealers are providing adequate representation,
198 adequate competition, and convenient customer service in the
199 community or territory for the line-make, the department may
200 consider evidence of any factor deemed material by the finder of
201 fact in the unique circumstances, which may include, but is not
202 limited to:

203 1. The market share and return on investment impact of the
204 establishment of the proposed or relocated dealer on the
205 consumers, public interest, existing dealers, and the licensee;
206 ~~provided,~~ however, ~~that~~ financial impact other than return on
207 investment may only be considered with respect to the protesting
208 dealer or dealers.

209 2. The size and permanency of investment reasonably made
210 and reasonable obligations incurred by the existing dealer or
211 dealers to perform their obligations under the dealer agreement,
212 including requirements made by the licensee up to 5 years prior
213 to the date of the publication of the notice.

214 3. The reasonably expected market penetration of the line-
215 make motor vehicle for the community or territory involved,
216 after consideration of all factors which may affect such said
217 penetration, including, but not limited to, demographic factors
218 such as age, income, education, vehicle size, class, or model
219 preference, line-make, product popularity, retail lease
220 transactions, reasonably foreseeable economic projections,
221 financial expectations, availability of reasonable terms and
222 reasonable amounts of credit to prospective customers, or other

223 factors affecting sales to consumers of the community or
 224 territory.

225 4. Any actions by the licensee ~~licensees~~ in denying its
 226 existing dealer or dealers of the same line-make the opportunity
 227 for reasonable growth, market expansion, or relocation,
 228 including the availability of line-make vehicles by model, in
 229 keeping with the reasonable expectations of the licensee in
 230 providing an adequate number of dealers in the community or
 231 territory, and the licensee, its common entity, making or there
 232 otherwise being credit available to the existing dealers in
 233 reasonable amounts and on reasonable terms.

234 5. Any attempts by the licensee to coerce the existing
 235 dealer or dealers into consenting to additional or relocated
 236 franchises of the same line-make in the community or territory.

237 6. Distance, travel time, traffic patterns, and
 238 accessibility, between the existing dealer or dealers of the
 239 same line-make and the location of the proposed additional or
 240 relocated dealer, for prospective customers.

241 7. Whether there will likely be a material positive impact
 242 and a material benefit ~~benefits~~ to consumers ~~will likely occur~~
 243 from the establishment or relocation of the proposed dealership
 244 which will not ~~cannot~~ be obtained by other geographic or
 245 demographic changes or expected changes in the community or
 246 territory, or by a material increase in advertising by the
 247 licensee.

248 8. Whether the protesting dealer or dealers are in
 249 substantial compliance with their dealer agreement.

250 9. Whether there is adequate interbrand and intrabrand
251 competition with respect to such ~~said~~ line-make in the community
252 or territory and adequately convenient consumer care for the
253 motor vehicles of the line-make, including the adequacy of sales
254 and service facilities.

255 10. Whether the establishment or relocation of the
256 proposed dealership is ~~appears to be~~ warranted and justified
257 based on economic and marketing conditions pertinent to dealers
258 competing in the community or territory, including anticipated
259 future changes.

260 11. The volume of registrations and service business
261 transacted by the existing dealer or dealers of the same line-
262 make in the relevant community or territory of the proposed
263 dealership.

264 12. The past and reasonably foreseeable expected growth or
265 decline in population, density of population, and new motor
266 vehicle registrations in the community or territory of the
267 proposed dealership for competing motor vehicles, and whether
268 existing same line-make dealers will be unable to adjust their
269 dealership operations to adequately deal with such changes.

270 13. Whether the licensee has provided marketing and
271 advertising support of its line-make in the community or
272 territory on a basis comparable to its interbrand competitors.

273 14. Whether the economic conditions reasonably forecasted
274 by the licensee for the foreseeable future will enable all
275 existing same line-make dealers and the proposed new or
276 relocated dealership the opportunity for a reasonable return on

277 their investment, including supplying an adequate number of
 278 every model of the licensee's new motor vehicles to them.

279 (3) An existing franchised motor vehicle dealer or dealers
 280 shall have standing to protest a proposed additional or
 281 relocated motor vehicle dealer where the existing motor vehicle
 282 dealer or dealers have a franchise agreement for the same line-
 283 make vehicle to be sold or serviced by the proposed additional
 284 or relocated motor vehicle dealer and are physically located so
 285 as to meet or satisfy any of the following requirements or
 286 conditions:

287 (a) If the proposed additional or relocated motor vehicle
 288 dealer is to be located in a county with a population of less
 289 than 300,000 according to the most recent data of the United
 290 States Census Bureau or the data of the Bureau of Economic and
 291 Business Research of the University of Florida:

292 1. The proposed additional or relocated motor vehicle
 293 dealer is to be located in the area designated or described as
 294 the area of responsibility, or such similarly designated area,
 295 including the entire area designated as a multiple-point area,
 296 in the franchise agreement or in any related document or
 297 commitment with the existing motor vehicle dealer or dealers of
 298 the same line-make as such agreement existed on or after July 1,
 299 2009 ~~upon October 1, 1988;~~

300 2. The existing motor vehicle dealer or dealers of the
 301 same line-make have a licensed franchise location within a
 302 radius of 20 miles of the location of the proposed additional or
 303 relocated motor vehicle dealer; or

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304 3. Any existing motor vehicle dealer or dealers of the
305 same line-make can establish that during any 12-month period of
306 the 36-month period preceding the filing of the licensee's
307 application for the proposed dealership, such dealer or its
308 predecessor made 25 percent of its retail sales of new motor
309 vehicles to persons whose registered household addresses were
310 located within a radius of 20 miles of the location of the
311 proposed additional or relocated motor vehicle dealer; provided
312 such existing dealer is located in the same county or any county
313 contiguous to the county where the additional or relocated
314 dealer is proposed to be located.

315 (6) When a proposed addition or relocation concerns a
316 dealership that performs or is to perform only service, as
317 defined in s. 320.60(16), and will not or does not sell or lease
318 new motor vehicles, as defined in s. 320.60(15), the proposal
319 shall be subject to notice and protest pursuant to the
320 provisions of this section.

321 (b) The addition or relocation of a service-only
322 dealership shall not be subject to protest if:

323 1. The applicant for the service-only dealership location
324 is an existing motor vehicle dealer of the same line-make as the
325 proposed additional or relocated service-only dealership;

326 2. There is no existing dealer of the same line-make
327 closer than the applicant to the proposed location of the
328 additional or relocated service-only dealership; and

329 3. The proposed location of the additional or relocated
330 service-only dealership is at least 15 7 miles from all existing

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331 motor vehicle dealerships of the same line-make, other than
332 motor vehicle dealerships owned by the applicant.

333 (c) In determining whether existing franchised motor
334 vehicle dealers are providing adequate representation, adequate
335 competition, and convenient customer service representations in
336 the community or territory for the line-make in question in a
337 protest of the proposed addition or relocation of a service-only
338 dealership, the department may consider the elements set forth
339 in paragraph (2) (b), provided:

340 1. With respect to subparagraph (2) (b)1., only the impact
341 as it relates to service may be considered;

342 2. Subparagraph (2) (b)3. shall not be considered;

343 3. With respect to subparagraph (2) (b)9., only service
344 facilities shall be considered; and

345 4. With respect to subparagraph (2) (b)11., only the volume
346 of service business transacted shall be considered.

347 Section 3. Section 320.643, Florida Statutes, is amended
348 to read:

349 320.643 Transfer, assignment, or sale of franchise
350 agreements.--

351 (1) (a) Notwithstanding the terms of any franchise
352 agreement, a licensee shall not, by contract or otherwise, fail
353 or refuse to give effect to, prevent, prohibit, or penalize or
354 attempt to refuse to give effect to, prohibit, or penalize any
355 motor vehicle dealer from selling, assigning, transferring,
356 alienating, or otherwise disposing of its franchise agreement to
357 any other person or persons, including a corporation established
358 or existing for the purpose of owning or holding a franchise

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359 | agreement, unless the licensee proves at a hearing pursuant to a
360 | complaint filed by a motor vehicle dealer under this section
361 | that such sale, transfer, alienation, or other disposition is to
362 | a person who is not, or whose controlling executive management
363 | is not, of good moral character or does not meet the written,
364 | reasonable, and uniformly applied standards or qualifications of
365 | the licensee relating to financial qualifications of the
366 | transferee and business experience of the transferee or the
367 | transferee's executive management. A motor vehicle dealer who
368 | desires to sell, assign, transfer, alienate, or otherwise
369 | dispose of a franchise shall notify, or cause the proposed
370 | transferee to notify, the licensee, in writing, setting forth
371 | the prospective transferee's name, address, financial
372 | qualifications, and business experience during the previous 5
373 | years. A licensee who receives such notice may, within 60 days
374 | following such receipt, notify the motor vehicle dealer, in
375 | writing, that the proposed transferee is not a person qualified
376 | to be a transferee under this section and setting forth the
377 | material reasons for such rejection. Failure of the licensee to
378 | notify the motor vehicle dealer within the 60-day period of such
379 | rejection shall be deemed an approval of the transfer. No such
380 | transfer, assign, or sale shall be valid unless the transferee
381 | agrees in writing to comply with all requirements of the
382 | franchise then in effect.

383 | (b) A motor vehicle dealer whose proposed sale is rejected
384 | may, within 60 days following such receipt of such rejection,
385 | file with the department a complaint for a determination that
386 | the proposed transferee has been rejected in violation of this

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387 section. The licensee has the burden of proof with respect to
388 all issues raised by such complaint. The department shall
389 determine, and enter an order providing, that the proposed
390 transferee is either qualified or is not and cannot be qualified
391 for specified reasons, or the order may provide the conditions
392 under which a proposed transferee would be qualified. If the
393 licensee fails to file such a response to the motor vehicle
394 dealer's complaint within 30 days after receipt of the
395 complaint, unless the parties agree in writing to an extension,
396 or if the department, after a hearing, renders a decision other
397 than one disqualifying the proposed transferee, the franchise
398 agreement between the motor vehicle dealer and the licensee
399 shall be deemed amended to incorporate such transfer or amended
400 in accordance with the determination and order rendered,
401 effective upon compliance by the proposed transferee with any
402 conditions set forth in the determination or order.

403 (2) (a) Notwithstanding the terms of any franchise
404 agreement, a licensee shall not, by contract or otherwise, fail
405 or refuse to give effect to, prevent, prohibit, or penalize, or
406 attempt to refuse to give effect to, prevent, prohibit, or
407 penalize, any motor vehicle dealer or any proprietor, partner,
408 stockholder, owner, or other person who holds or otherwise owns
409 an interest therein from selling, assigning, transferring,
410 alienating, or otherwise disposing of, in whole or in part, the
411 equity interest of any of them in such motor vehicle dealer to
412 any other person or persons, including a corporation established
413 or existing for the purpose of owning or holding the stock or
414 ownership interests of other entities, unless the licensee

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415 | proves at a hearing pursuant to a complaint filed by a motor
416 | vehicle dealer under this section that such sale, transfer,
417 | alienation, or other disposition is to a person who is not, or
418 | whose controlling executive management is not, of good moral
419 | character. A motor vehicle dealer, or any proprietor, partner,
420 | stockholder, owner, or other person who holds or otherwise owns
421 | an interest in the motor vehicle dealer, who desires to sell,
422 | assign, transfer, alienate, or otherwise dispose of any interest
423 | in such motor vehicle dealer shall notify, or cause the proposed
424 | transferee to so notify, the licensee, in writing, of the
425 | identity and address of the proposed transferee. A licensee who
426 | receives such notice may, within 60 days following such receipt,
427 | notify the motor vehicle dealer in writing that the proposed
428 | transferee is not a person qualified to be a transferee under
429 | this section and setting forth the material reasons for such
430 | rejection. Failure of the licensee to notify the motor vehicle
431 | dealer within the 60-day period of such rejection shall be
432 | deemed an approval of the transfer. Any person whose proposed
433 | sale of stock is rejected may file within 60 days of receipt of
434 | such rejection a complaint with the department alleging that the
435 | rejection was in violation of the law or the franchise
436 | agreement. The licensee has the burden of proof with respect to
437 | all issues raised by such complaint. The department shall
438 | determine, and enter an order providing, that the proposed
439 | transferee either is qualified or is not and cannot be qualified
440 | for specified reasons; or the order may provide the conditions
441 | under which a proposed transferee would be qualified. If the
442 | licensee fails to file a response to the motor vehicle dealer's

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443 | complaint within 30 days of receipt of the complaint, unless the
444 | parties agree in writing to an extension, or if the department,
445 | after a hearing, renders a decision on the complaint other than
446 | one disqualifying the proposed transferee, the transfer shall be
447 | deemed approved in accordance with the determination and order
448 | rendered, effective upon compliance by the proposed transferee
449 | with any conditions set forth in the determination or order.

450 | **(b) Notwithstanding paragraph (a), neither a licensee nor**
451 | **the department shall reject a proposed transfer of a legal,**
452 | **equitable, or beneficial interest in a motor vehicle dealer to a**
453 | **trust or other entity, or to any beneficiary thereof, that is**
454 | **established by an owner of any interest in a motor vehicle**
455 | **dealer for estate planning purposes provided the controlling**
456 | **person or entity thereof is of good moral character; nor shall a**
457 | **licensee or the department condition any proposed transfer under**
458 | **this section upon a relocation of, construction of any addition**
459 | **or modification to, or any refurbishing or remodeling of any**
460 | **dealership structure, facility, or building of the existing**
461 | **motor vehicle dealer, or upon any modification of the existing**
462 | **franchise agreement.**

463 | (3) During the pendency of any such department or court
464 | hearing, the franchise agreement of the motor vehicle dealer
465 | shall continue in effect in accordance with its terms. The
466 | department or any court shall use reasonable efforts to expedite
467 | any determination requested under this section.

468 | (4) Notwithstanding the terms of any franchise agreement,
469 | the acceptance by the licensee of the proposed transferee shall
470 | not be unreasonably withheld, delayed, or conditioned. For the

471 | purposes of this section, the refusal by the licensee to accept,
 472 | in a timely manner, a proposed transferee who satisfies the
 473 | criteria set forth in subsection (1) or subsection (2) is
 474 | presumed to be unreasonable.

475 | (5) It shall be a violation of this section for the
 476 | licensee to reject, ~~or~~ withhold, delay, or condition approval of
 477 | a proposed transfer unless the licensee can prove in any court
 478 | of competent jurisdiction in defense of any claim brought
 479 | pursuant to s. 320.697 that, in fact, the rejection or
 480 | withholding of approval of the proposed transfer was not in
 481 | violation of or precluded by this section and was reasonable.

482 | The determination of whether such rejection or withholding was
 483 | reasonable shall be based on a preponderance of the evidence
 484 | presented during the proceeding on an objective standard.

485 | Alleging the permitted statutory grounds by the licensee in the
 486 | written rejection of the proposed transfer shall not constitute
 487 | a defense of the licensee, or protect the licensee from
 488 | liability for violating this section.

489 | Section 4. If any provision of this act or the application
 490 | thereof to any person or circumstance is held invalid, the
 491 | invalidity shall not affect other provisions or applications of
 492 | the act which can be given effect without the invalid provision
 493 | or application, and to this end the provisions of this act are
 494 | declared severable.

495 | Section 5. This act shall take effect upon becoming a law.