

**13-35-306 Evidence to be considered in determining cause to relocate existing franchisee or establish a new franchised dealership.**

In determining whether a franchisor has established good cause for relocating an existing franchisee or establishing a new franchised dealership for the same line-make in a given relevant market area, the advisory board and the executive director shall consider:

- (1) the amount of business transacted by other franchisees of the same line-make in that relevant market area, as compared to business available to the franchisees;
- (2) the investment necessarily made and obligations incurred by other franchisees of the same line-make in that relevant market area in the performance of their part of their franchisee agreements;
- (3) the permanency of the existing and proposed investment;
- (4) whether it is injurious or beneficial to the public welfare or public interest for an additional franchise to be established; and
- (5) whether the franchisees of the same line-make in that relevant market area are providing adequate service to consumers for the powersport vehicles of the line-make, which shall include the adequacy of:
  - (a) the powersport vehicle sale and service facilities;
  - (b) equipment;
  - (c) supply of vehicle parts; and
  - (d) qualified service personnel.

Amended by Chapter 268, 2005 General Session