

32B-14-402 Judicial remedies.

- (1) A supplier or wholesaler who is a party to a distributorship agreement may maintain a civil action against the supplier or wholesaler in a court of competent jurisdiction in the county in which the wholesaler's principal place of business is located if:
 - (a) the supplier or wholesaler violates this chapter; or
 - (b)
 - (i) the supplier and wholesaler are not able to mutually agree on reasonable compensation under Section 32B-14-401; and
 - (ii) the parties do not agree to submit the matter to arbitration in accordance with Section 32B-14-401 before or within 20 days following service of process on the electing party in the civil action.
- (2)
 - (a) The prevailing party in an action under Subsection (1) shall recover:
 - (i) actual damages, including the value of the wholesaler's business as specified in Section 32B-14-401 if applicable; and
 - (ii) reasonable attorney fees and court costs.
 - (b) In addition to the amount awarded under Subsection (2)(a), the court may grant such relief in law or equity as the court determines to be necessary or appropriate considering the purposes of this chapter.
- (3) If either party elects arbitration under Subsection (1)(b)(ii) following service of process, the civil action is stayed pending a decision by the arbitration panel.

Enacted by Chapter 276, 2010 General Session