

13-14-308 Private right of action.

- (1) A franchisee has a private right of action for actual damages and reasonable attorney fees against a franchisor for a violation of this chapter that results in damage to the franchisee.
- (2)
 - (a) As used in this Subsection (2):
 - (i) "New franchisor" has the same meaning as defined in Section 13-14-302.5.
 - (ii) "Reinstated franchise" has the same meaning as defined in Section 13-14-302.5.
 - (iii) "Reinstated franchisee" has the same meaning as defined in Section 13-14-302.5.
 - (b) A reinstated franchisee has a private right of action for actual damages and reasonable attorney fees against a new franchisor if:
 - (i) the new franchisor:
 - (A) establishes a new franchisee of the same line-make as a line-make of the reinstated franchisee within the relevant market area of the reinstated franchisee; or
 - (B) adds a line-make to another franchisor's existing franchisee within the relevant market area of the reinstated franchisee that is the same line-make as a line-make of the reinstated franchisee; and
 - (ii) the franchisor's action under Subsection (2)(b)(i) causes a substantial diminution in value of the reinstated franchisee's reinstated franchise.
 - (c) A new franchisor may not be held liable under Subsection (2)(b) based on a franchisee's purchase of another existing franchise, both of which are within the relevant market area of a reinstated franchisee, for the purpose of combining the purchased franchise with the franchise of the purchasing franchisee.

Amended by Chapter 41, 2010 General Session