

32B-14-102 Definitions.

As used in this chapter:

- (1) "Affected party" means a supplier or wholesaler who is a party to a distributorship agreement that a terminating party seeks to terminate or not renew.
- (2)
 - (a) "Distributorship agreement" means a written agreement between a supplier and a wholesaler pursuant to which the wholesaler has the right to purchase, resell, and distribute in a designated geographical area any brand of beer manufactured, imported, or distributed by the supplier.
 - (b) For purposes of this chapter, a separate agreement between a supplier and a wholesaler is considered to be part of a distributorship agreement if it relates to:
 - (i) the relationship between the supplier and the wholesaler; or
 - (ii) the duties of either the supplier or the wholesaler under a distributorship agreement.
- (3) "Good cause" means the material failure by a supplier or a wholesaler to comply with an essential, reasonable, and lawful requirement imposed by a distributorship agreement if the failure occurs after the supplier or wholesaler acting in good faith provides notice of deficiency and an opportunity to correct in accordance with Part 2, Termination.
- (4) "Good faith" is as defined in Subsection 70A-1a-201(2)(t).
- (5) "Retailer" means a beer retailer.
- (6) "Sales territory" means the geographic area of distribution and sale responsibility designated by a distributorship agreement.
- (7) "Supplier," notwithstanding Section 32B-1-102, means a brewer or other person who sells beer to a wholesaler for resale in this state.
- (8) "Terminating party" means a supplier or wholesaler who:
 - (a) is a party to a distributorship agreement; and
 - (b) seeks to terminate or not renew the distributorship agreement.

Enacted by Chapter 276, 2010 General Session