

- 400 (i) a timely protest has been filed;
- 401 (ii) a hearing is required;
- 402 (iii) the franchisor may not establish or relocate the proposed dealership until the
- 403 advisory board has held a hearing; and
- 404 (iv) the franchisor may not establish or relocate a proposed dealership if the executive
- 405 director determines that there is not good cause for permitting the establishment or relocation
- 406 of the dealership.
- 407 (5) If multiple protests are filed under Subsection (4), hearings may be consolidated to
- 408 expedite the disposition of the issue.
- 409 (6) Subsections (1) through (5) do not apply to a relocation of an existing or successor
- 410 dealer to a location that is:
- 411 (a) within the same county and less than two aeronautical miles from the existing
- 412 location of the existing or successor franchisee's dealership; or
- 413 (b) further away from a dealership of a franchisee of the same line-make.
- 414 (7) For purposes of this section:
- 415 (a) relocation of an existing franchisee's dealership in excess of [~~one mile~~] two ~~§~~→
- 415a aeronautical ←~~§~~ miles
- 416 from its existing location is considered the establishment of an additional franchise in the
- 417 line-make of the relocating franchise;
- 418 (b) the reopening in a relevant market area of a dealership that has not been in
- 419 operation for one year or more is considered the establishment of an additional motor vehicle
- 420 dealership; and
- 421 (c) (i) except as provided in Subsection (7)(c)(ii), the establishment of a temporary
- 422 additional place of business by a recreational vehicle franchisee is considered the establishment
- 423 of an additional motor vehicle dealership; and
- 424 (ii) the establishment of a temporary additional place of business by a recreational
- 425 vehicle franchisee is not considered the establishment of an additional motor vehicle dealership
- 426 if the recreational vehicle franchisee is participating in a trade show where three or more
- 427 recreational vehicle dealers are participating.