

<u>Current Definitions</u>	
“Dealer” means a person primarily engaged in the business of retail sales of	“Inventory” means
Farm and utility tractors	Farm equipment
Farm implements	Implements*
Farm machinery	Machinery*
Forestry equipment	Forestry equipment
Industrial equipment	Industrial equipment
Utility equipment	Utility equipment
Yard and garden equipment	Yard and garden equipment
Attachments	Attachments*
Accessories	
Repair Parts	Repair parts
<i>Does not include a “Single line dealer” as defined</i>	<i>Does not include heavy construction equipment, not defined</i>

* Under the current definition of “Inventory” it is not clear whether the terms “farm, utility, forestry, or industrial” are intended to modify the terms “equipment, implements, machinery” – the construction of the sentence probably means the former set of terms do not modify the latter, but, the definition of “Dealer” suggests that could be the actual intent.

→ Current committee intent is to create a comprehensive definition of “inventory” that should
 (1) include everything contemplated by current definitions of “dealer” and “inventory” and
 (2) add all-terrain vehicles and snowmobiles

→ Also see “forestry and industrial equipment” in 9 V.S.A. § 4082 on the following page.

§ 4082. FORESTRY AND INDUSTRIAL EQUIPMENT

(a) The General Assembly finds that geographic restrictions imposed on trade of certain forestry and industrial equipment within the State is not in the public interest. Restrictions on dealers of large and expensive pieces of industrial and forestry equipment to smaller geographical areas within the State unreasonably restrains trade, precludes any meaningful competition among a small number of dealers, and denies to Vermonters purchasing such equipment the benefits of free and open competition. The General Assembly therefore enacts this law to promote the public welfare by providing for free and open trade of large forestry and industrial equipment within the State.

(b) As used in this section, "forestry or industrial equipment" means heavy vehicular equipment and associated implements designed and intended for forestry or industrial purposes, and shall include all mechanical parts for such equipment.

(c) A supplier of forestry or industrial equipment shall not limit the geographic area in which a dealer may sell or deliver inventory. A supplier shall not charge a fee or fine or otherwise penalize a dealer either directly or indirectly for selling, or having sold, inventory to a consumer located outside of the dealer's trade area or primary area of responsibility if the selling dealer agrees in writing to the purchaser that the dealer will provide service during the standard factory warranty period, or otherwise to discriminate in shipping products or filling orders placed by dealers of goods on the basis of the location of the consumer, however these terms might be defined in a dealership agreement. The provisions of this section shall be deemed to be incorporated in every agreement and shall supersede and control all other provisions of the agreement. Any term of a contract or agreement either expressed or implied, including a choice of law provision, which is inconsistent with the provisions of this section or purporting to waive compliance with this section is void and unenforceable to the extent of the waiver or variance.

(d) This section shall apply to all agreements and contracts in effect on June 1, 1997 related to forestry or industrial equipment between suppliers and dealers, and to all amendments, renewals or extensions of such agreements, and to all such agreements entered into thereafter.