

Statutes Prior to 2021 Acts and Resolves No. 63	Statutes Effective June 7, 2021	Statutes Effective July 1, 2022
<p>9 V.S.A. § 4085</p> <p>§ 4085. DEFINITIONS</p> <p>The following words, terms, and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:</p> <p style="text-align: center;">* * *</p> <p>(13) “New motor vehicle dealer” means any person engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new motor vehicles and who holds, or held at the time a cause of action under this chapter accrued, a valid sales and service agreement, franchise, or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer’s or distributor’s new motor vehicles.</p>	<p>9 V.S.A. § 4085</p> <p>§ 4085. DEFINITIONS</p> <p>The following words, terms, and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:</p> <p style="text-align: center;">* * *</p> <p>(13) “New motor vehicle dealer” means any person who holds, or held at the time a cause of action under this chapter accrued, a valid sales and service agreement, franchise, or contract granted by the manufacturer or distributor for the retail sale of said manufacturer’s or distributor’s new motor vehicles, is not affiliated by ownership or control with a franchisor, and is engaged in the business of any of the following with respect to new motor vehicles or the parts and accessories for those new motor vehicles:</p> <p style="padding-left: 40px;">(A) selling or leasing;</p> <p style="padding-left: 40px;">(B) offering to sell or lease;</p> <p style="padding-left: 40px;">(C) soliciting or advertising the sale or lease; or</p> <p style="padding-left: 40px;">(D) offering through a subscription or like agreement.</p>	<p>9 V.S.A. § 4085</p> <p>§ 4085. DEFINITIONS</p> <p>The following words, terms, and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:</p> <p style="text-align: center;">* * *</p> <p>(13) “New motor vehicle dealer” means any person who holds, or held at the time a cause of action under this chapter accrued, a valid sales and service agreement, franchise, or contract granted by the manufacturer or distributor for the retail sale of said manufacturer’s or distributor’s new motor vehicles, is not affiliated by ownership or control with a franchisor, and is engaged in the business of any of the following with respect to new motor vehicles or the parts and accessories for those new motor vehicles:</p> <p style="padding-left: 40px;">(A) selling or leasing;</p> <p style="padding-left: 40px;">(B) offering to sell or lease;</p> <p style="padding-left: 40px;">(C) soliciting or advertising the sale or lease; or</p> <p style="padding-left: 40px;">(D) offering through a subscription or like agreement.</p>

<p>9 V.S.A. § 4097</p> <p>§ 4097. MANUFACTURER VIOLATIONS</p> <p>It shall be a violation of this chapter for any manufacturer defined under this chapter:</p> <p style="text-align: center;">* * *</p> <p>(8) To compete with a new motor vehicle dealer in the same line-make operating under an agreement or franchise from the aforementioned manufacturer in the relevant market area.</p> <p>A manufacturer shall not, however, be deemed to</p>	<p>9 V.S.A. § 4097</p> <p>§ 4097. MANUFACTURER VIOLATIONS</p> <p>It shall be a violation of this chapter for any manufacturer defined under this chapter:</p> <p style="text-align: center;">* * *</p> <p>(8)(A) To compete with a new motor vehicle dealer operating under an agreement or franchise from the aforementioned manufacturer in the State.</p> <p>(B) For purposes of this subdivision (8), any manufacturer that is not a non-franchised zero-emission vehicle manufacturer competes with a new motor vehicle dealer if it engages in the business of any of the following with respect to new motor vehicles</p> <p style="text-align: center;">:</p> <p style="padding-left: 40px;">(i) selling or leasing;</p> <p style="padding-left: 40px;">(ii) offering to sell or lease; or</p> <p style="padding-left: 40px;">(iii) soliciting or advertising the sale or lease</p> <p style="text-align: center;">.</p> <p>(C) A manufacturer shall not, however, be</p>	<p>9 V.S.A. § 4097</p> <p>§ 4097. MANUFACTURER VIOLATIONS</p> <p>It shall be a violation of this chapter for any manufacturer defined under this chapter:</p> <p style="text-align: center;">* * *</p> <p>(8)(A) To compete with a new motor vehicle dealer operating under an agreement or franchise from the aforementioned manufacturer in the State.</p> <p>(B) For purposes of this subdivision (8), any manufacturer that is not a non-franchised zero-emission vehicle manufacturer competes with a new motor vehicle dealer if it engages in the business of any of the following with respect to new motor vehicles or the retail sale of parts and accessories for those new motor vehicles:</p> <p style="padding-left: 40px;">(i) selling or leasing;</p> <p style="padding-left: 40px;">(ii) offering to sell or lease;</p> <p style="padding-left: 40px;">(iii) soliciting or advertising the sale or lease; or</p> <p style="padding-left: 40px;">(iv) offering through a subscription or like agreement.</p> <p>(C) A manufacturer shall not, however, be</p>
---	---	---

<p>be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.</p> <p style="text-align: center;">* * *</p>	<p>deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.</p> <p style="text-align: center;">* * *</p>	<p>deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation that is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.</p> <p style="text-align: center;">* * *</p>
<p>NOTES:</p> <ul style="list-style-type: none"> - Does not specify what it means for a manufacturer to “compete with” a dealer. - <u>No explicit prohibition on manufacturers (or dealers) selling parts at resale direct to consumers.</u> - No requirement that manufacturers (or dealers) sell parts at resale; no bearing on third-party parts stores. 	<p>NOTES:</p> <ul style="list-style-type: none"> - <u>No prohibition on manufacturers (or dealers) selling parts at resale direct to consumers.</u> - No requirement that manufacturers (or dealers) sell parts at resale; no bearing on third-party parts stores. 	<p>NOTES:</p> <ul style="list-style-type: none"> - <u>Prohibition on manufacturers selling parts at resale direct to consumers, no prohibition on manufacturers selling parts through dealers (including online);</u> no prohibition on dealers selling parts at resale directly to consumers. - No requirement that manufacturers (or dealers) sell parts at resale; no bearing on third-party parts stores.