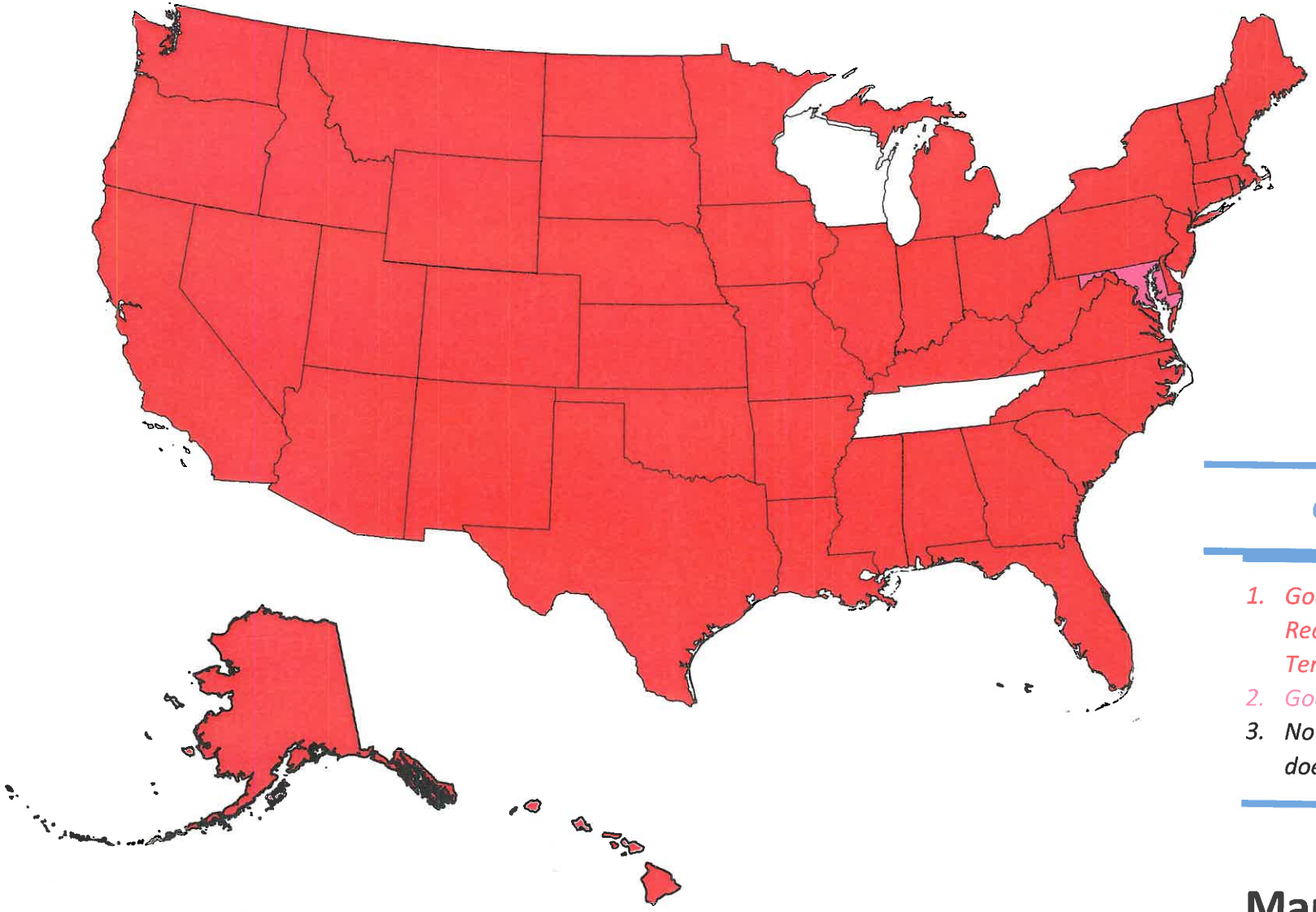
Section 2: Good Cause Required for Termination

AADA



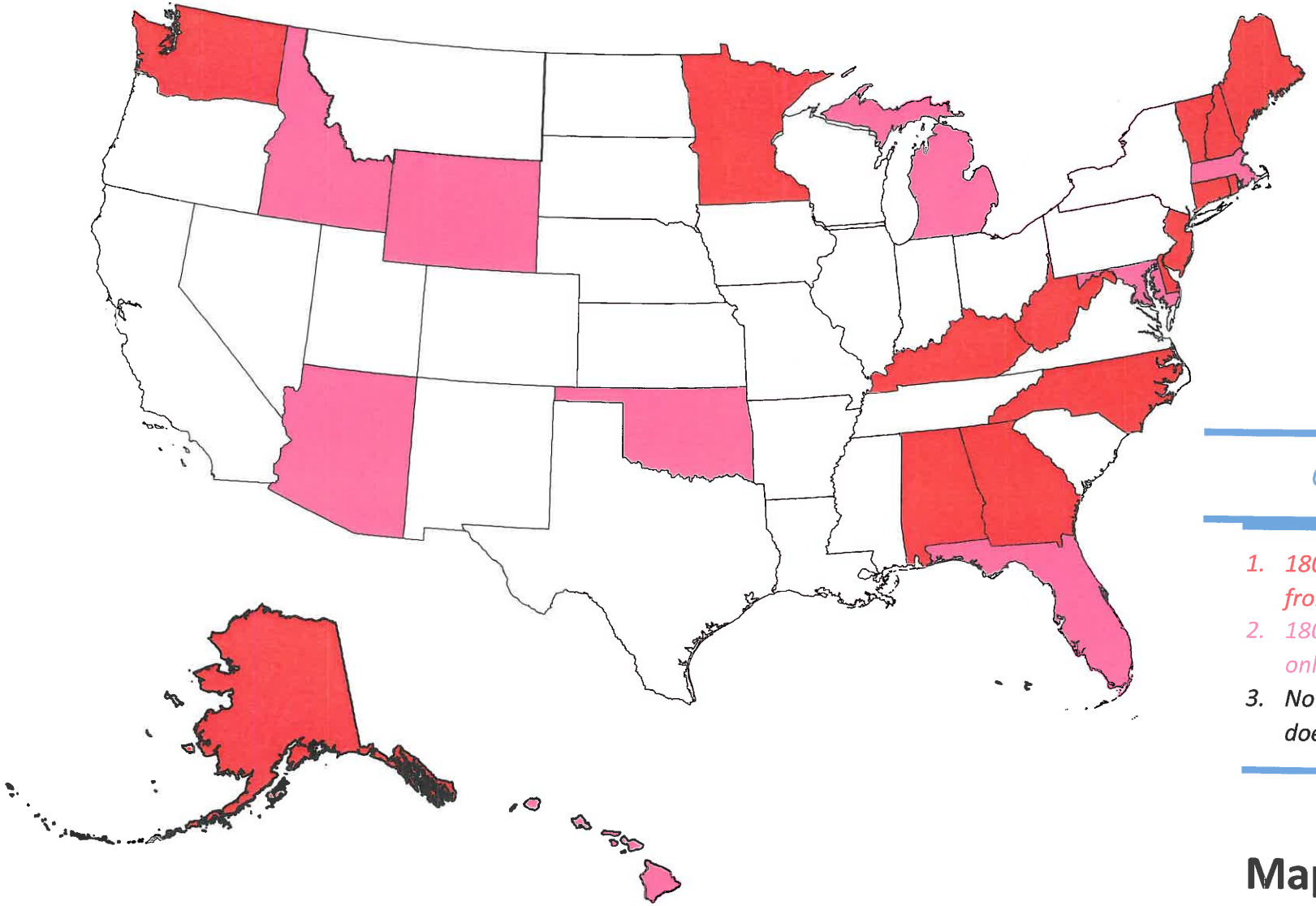
Guide

1. Good Cause Required for Termination
2. Good faith only
3. No Color – Statute does not address

Map 1

Section 4: 180 day requirement for cure and from discovery

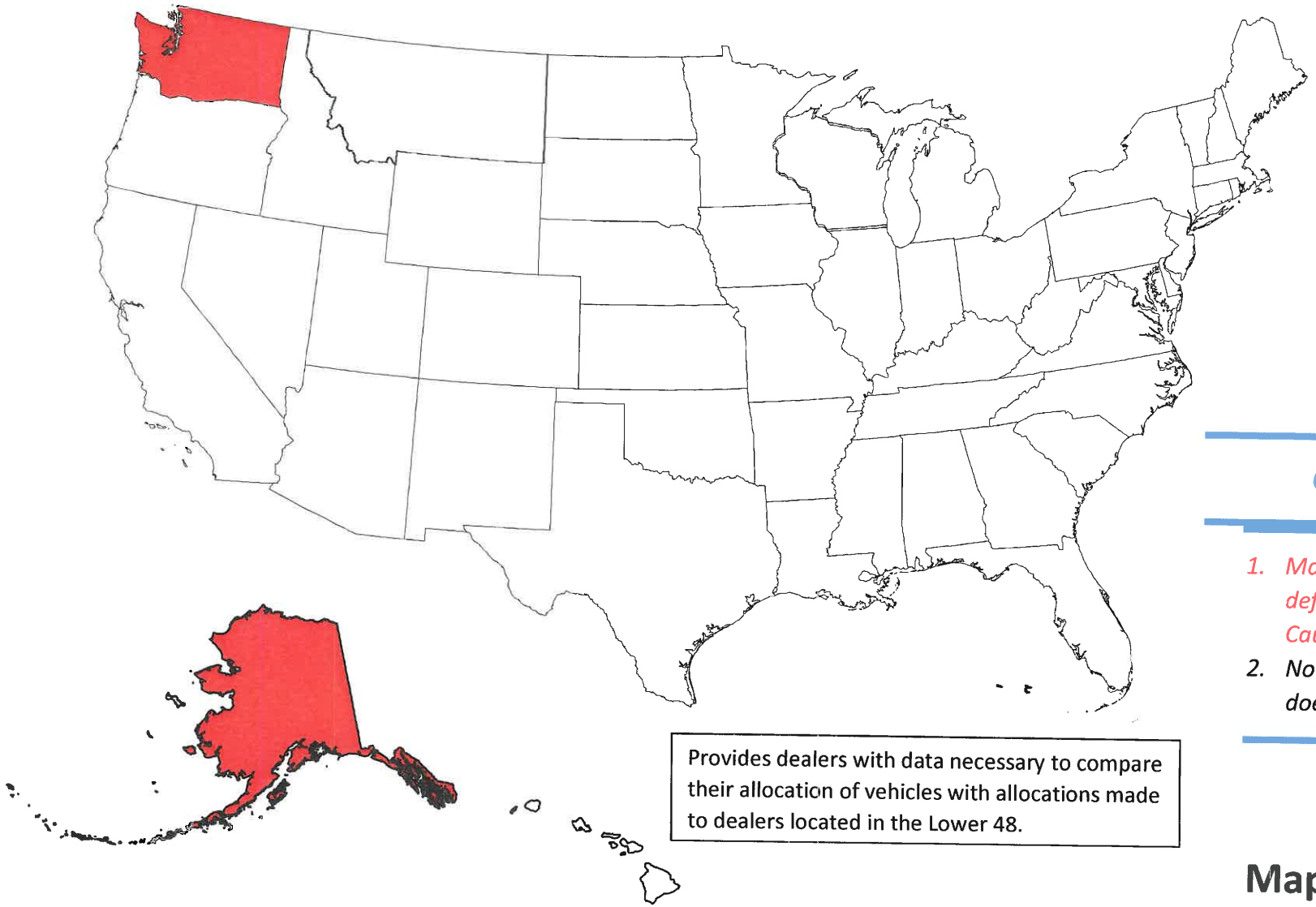
AADA



Guide

1. 180 day period from discovery
2. 180 day cure period only
3. No Color – Statute does not address

Map 2



Provides dealers with data necessary to compare their allocation of vehicles with allocations made to dealers located in the Lower 48.

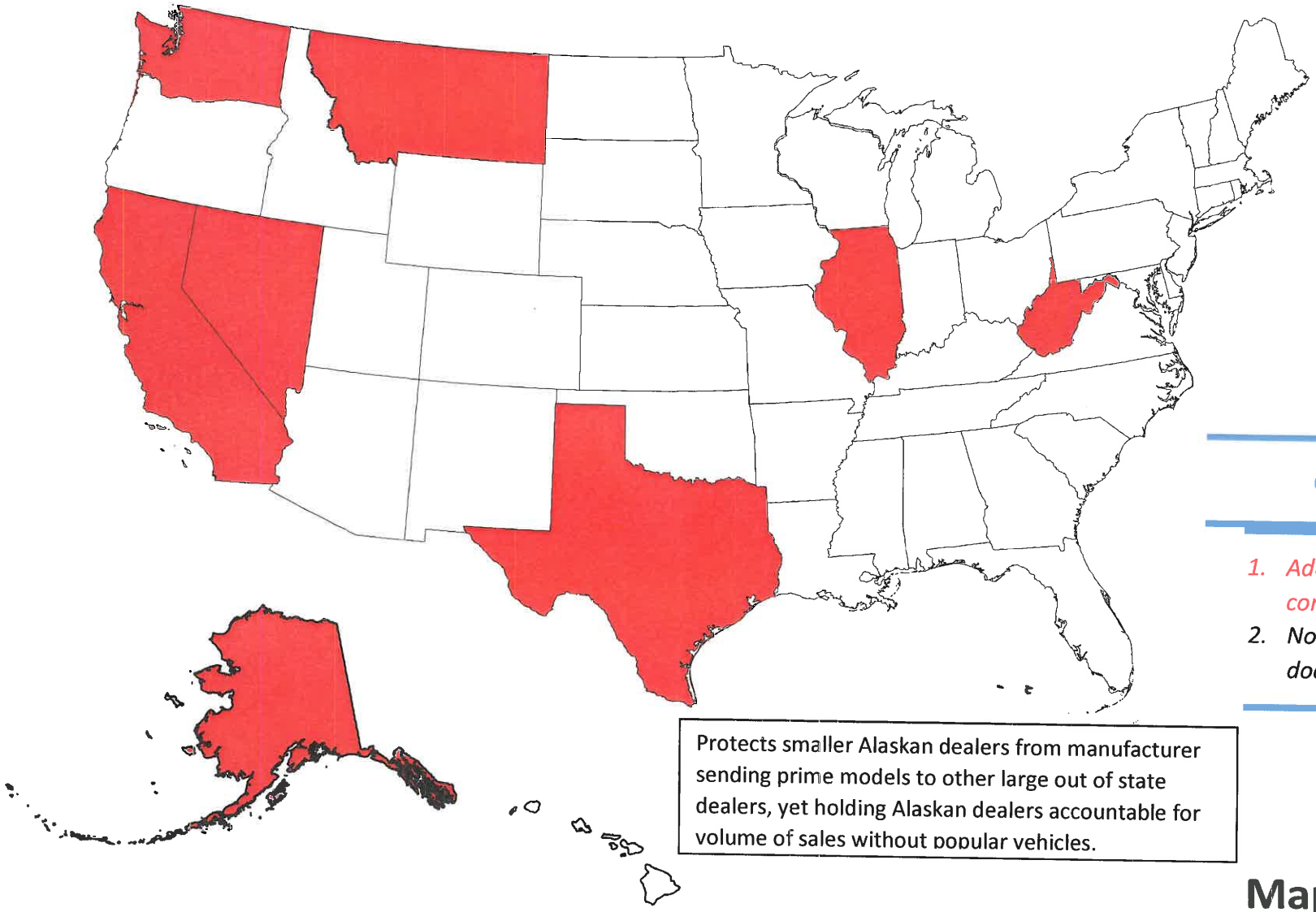
Guide

1. *Market Analysis a defense to Good Cause*
2. *No Color – Statute does not address*

Map 3

Section 4: Adequate Supply Consideration for Good Cause

AADA



Guide

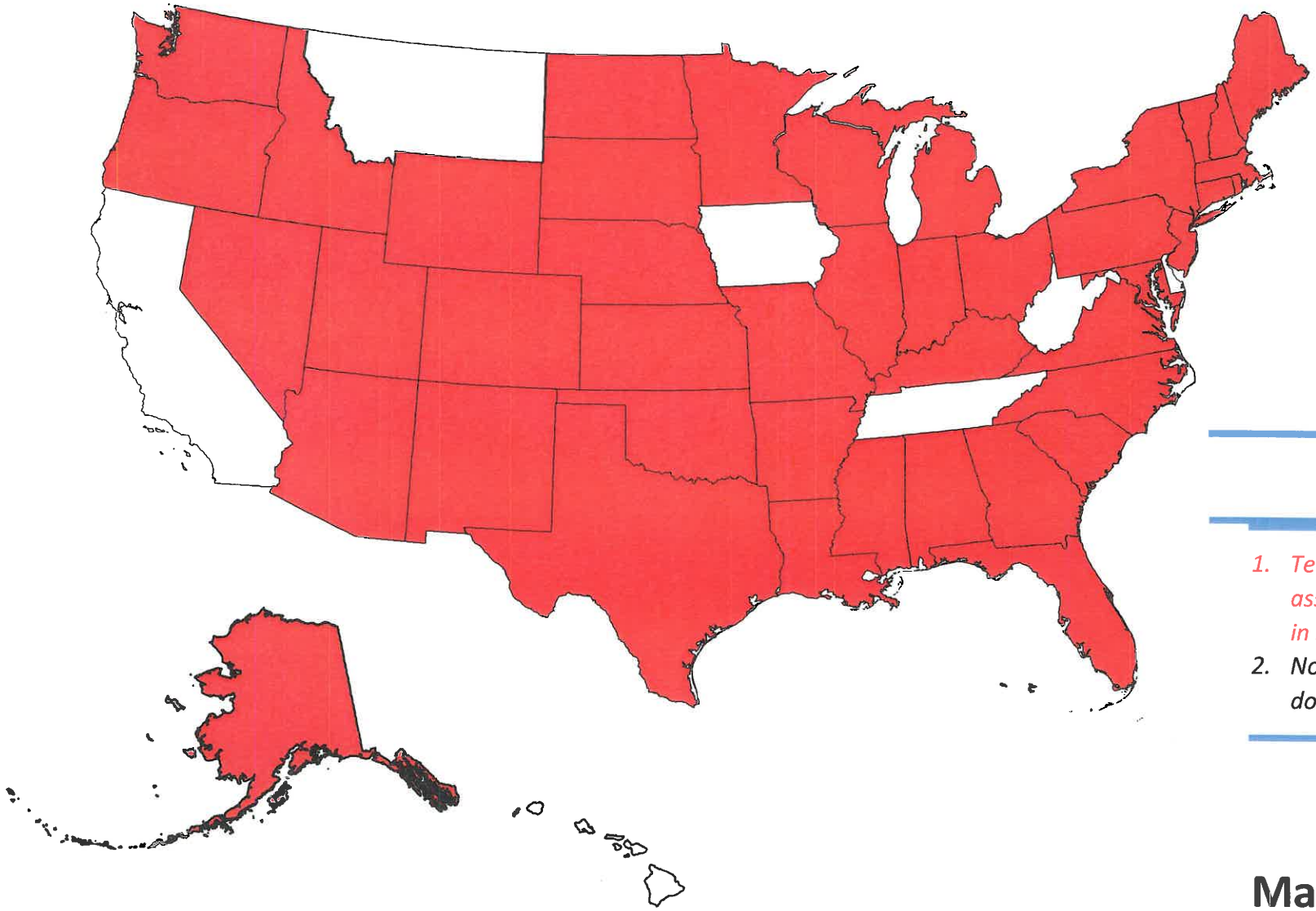
1. *Adequate Supply considered*
2. *No Color – Statute does not address*

Protects smaller Alaskan dealers from manufacturer sending prime models to other large out of state dealers, yet holding Alaskan dealers accountable for volume of sales without popular vehicles.

Map 4

Sections 6-9: Some type of Termination Assistance available

AADA



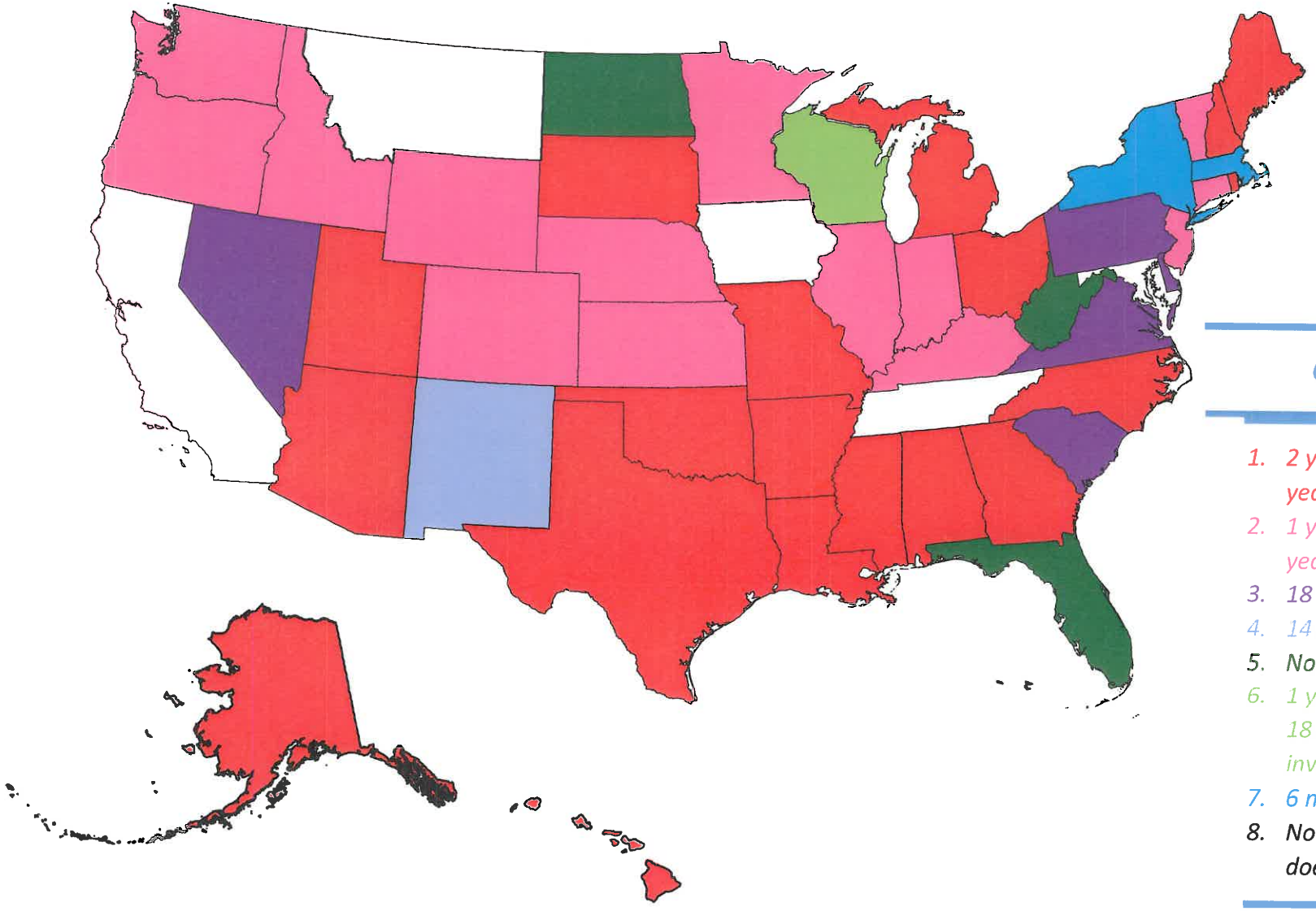
Guide

1. Termination assistance available in some form
2. No Color – Statute does not address

Map 5

Sections 6-9: Reimbursement for Unsold Vehicle Inventory

AADA



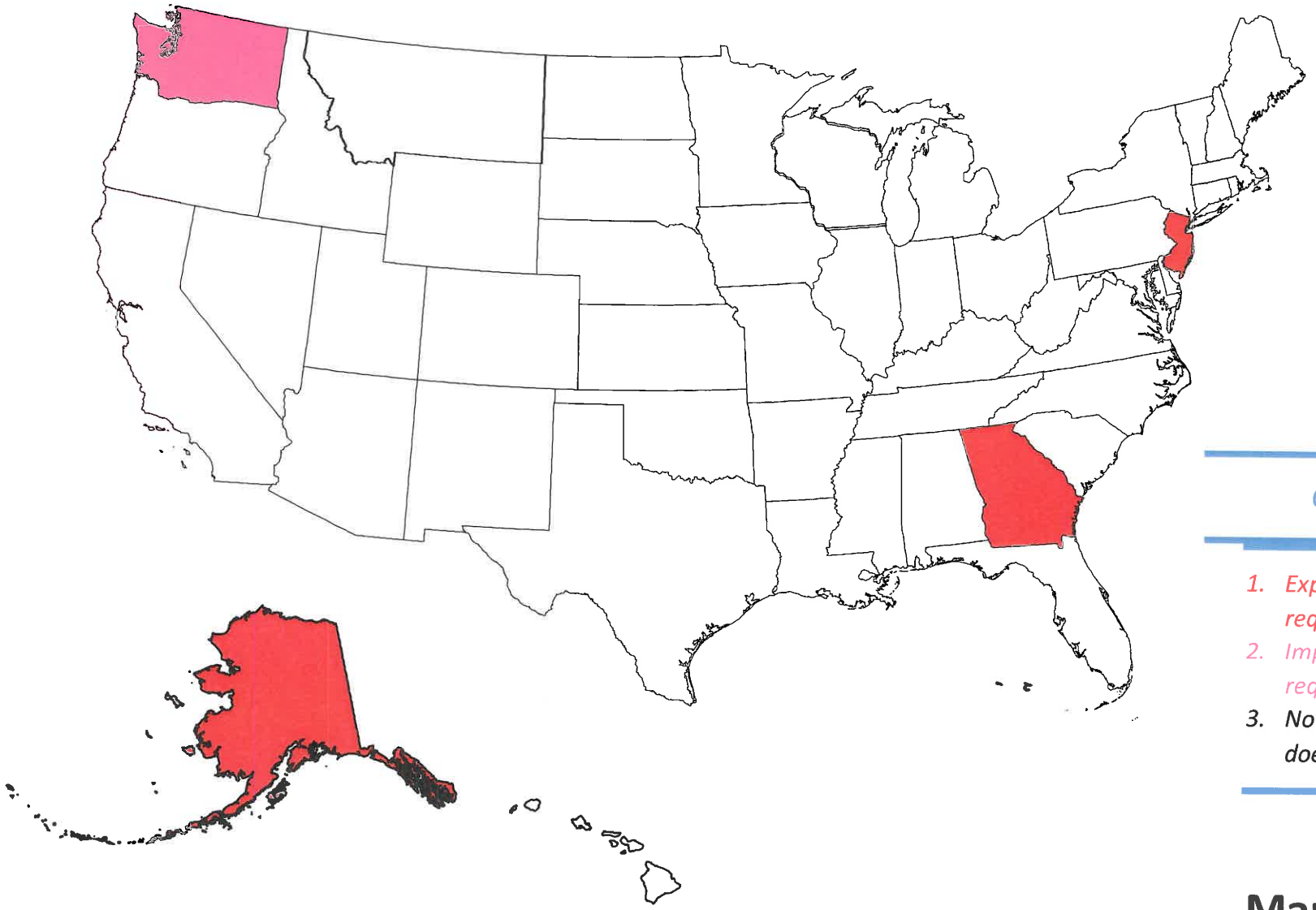
Guide

1. 2 years or 2 model years
2. 1 year or 1 model year
3. 18 months
4. 14 months
5. No temporal limit
6. 1 year if voluntary; 18 months if involuntary
7. 6 months
8. No Color -- Statute does not address

Map 6

Sections 6-9: Display or demonstration vehicle reimbursement

AADA



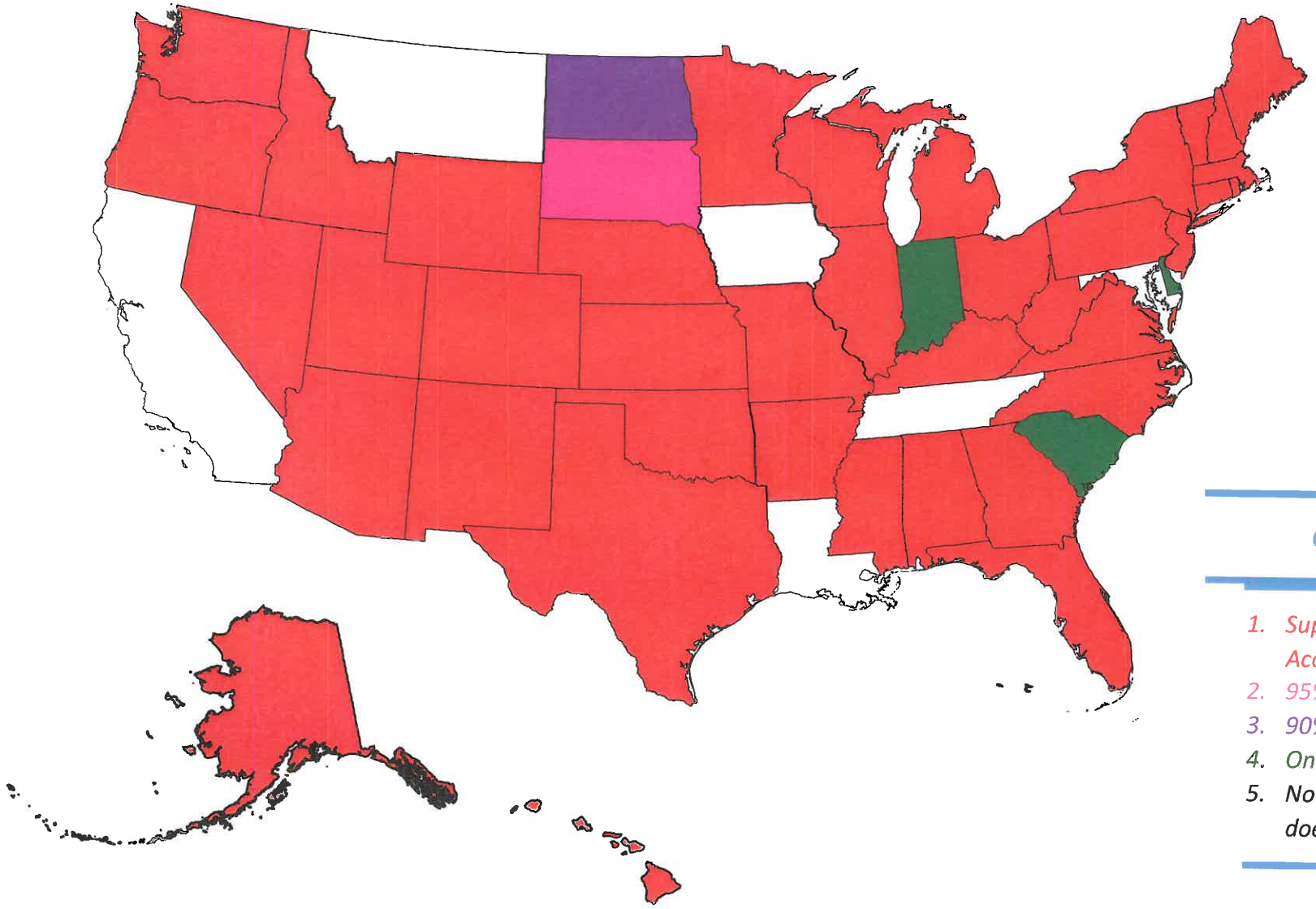
Guide

1. *Explicit requirement*
2. *Implied requirement*
3. *No Color – Statute does not address*

Map 7

Sections 6-9: Reimbursement for Supplies, Parts, and Accessories

AADA



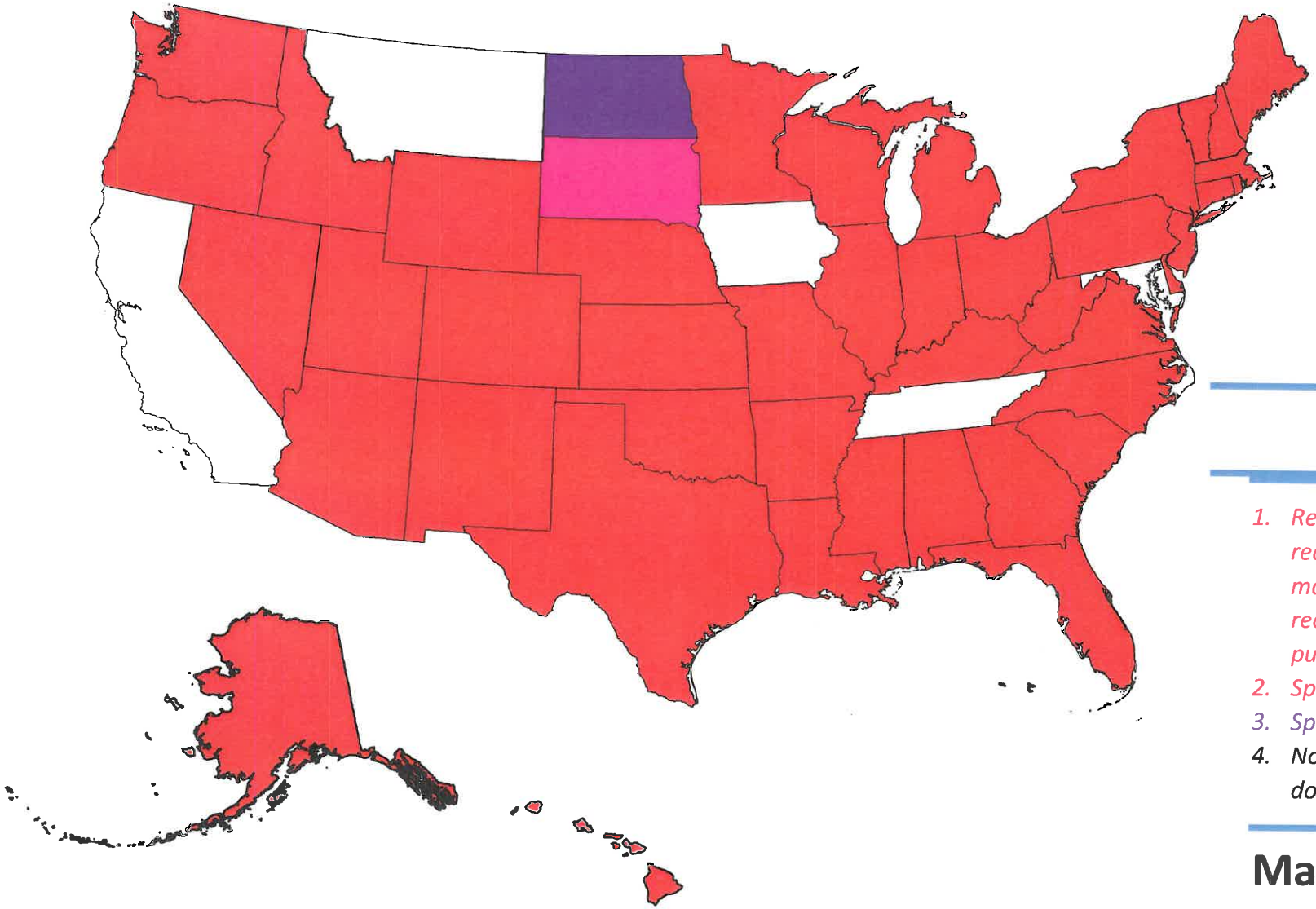
Guide

1. *Supplies, Parts, and Accessories*
2. *95% cost*
3. *90% cost*
4. *Only Parts*
5. *No Color – Statute does not address*

Map 8

Sections 6-9: Reimbursement for equipment, furnishings, and special tools

AADA



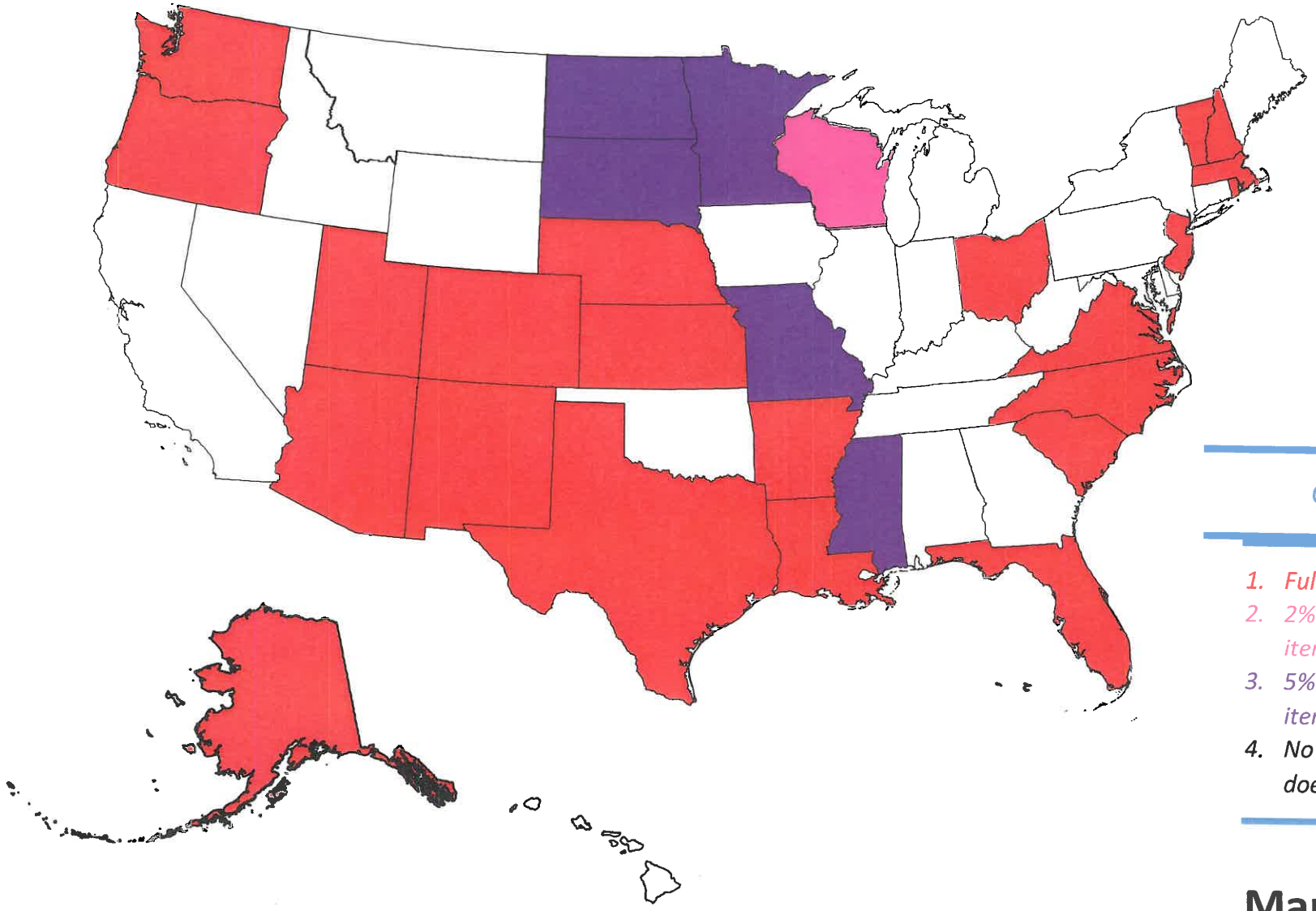
Guide

1. *Reimbursement required (if manufacturer required purchased)*
2. *Special tools – 75%*
3. *Special tools – 50%*
4. *No Color – Statute does not address*

Map 9

Section 6-9: Reimbursement for Transportation, Handling, and Packing Costs for returning inventory

AADA



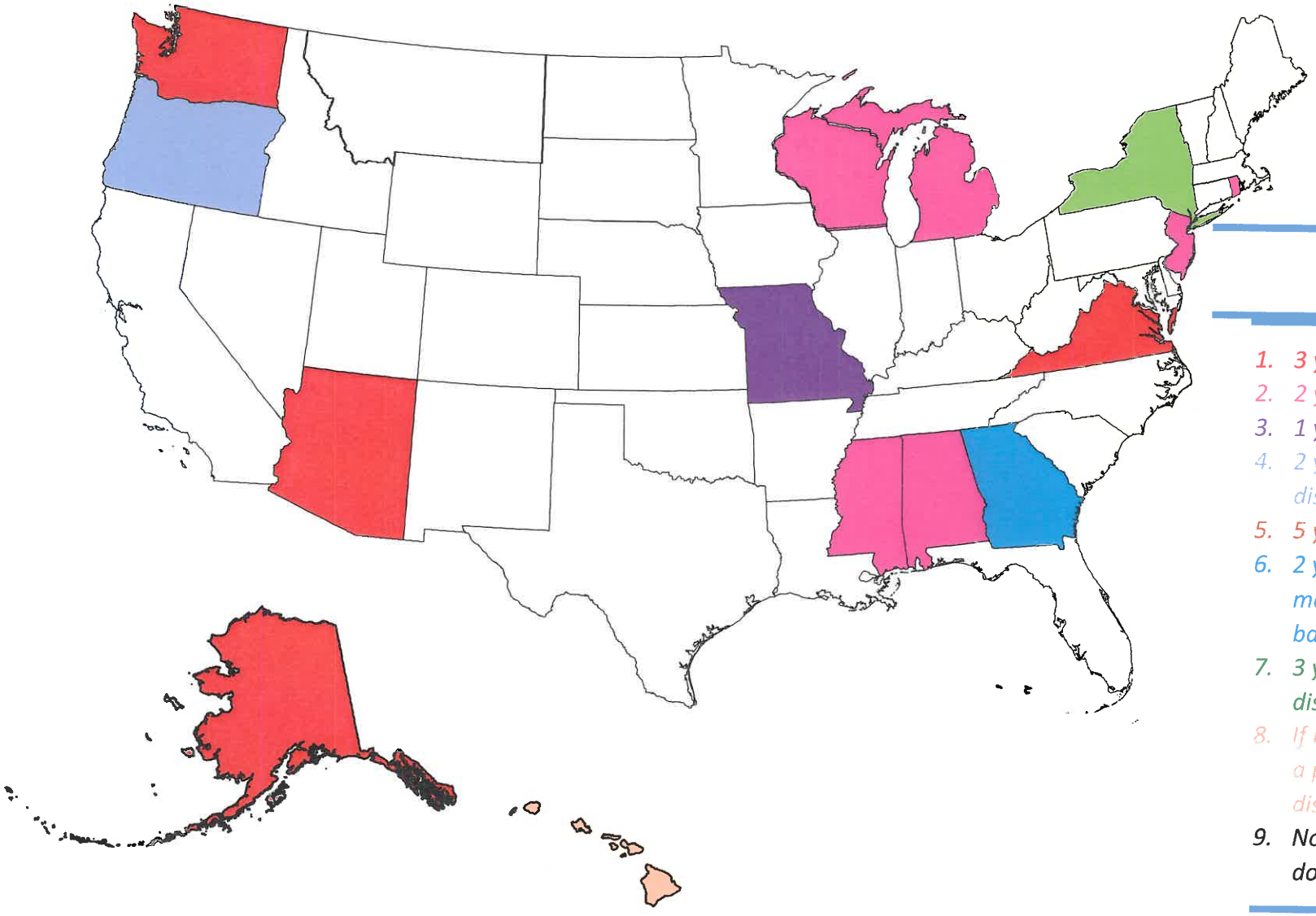
Guide

1. Full costs
2. 2% of value of items
3. 5% of value of items
4. No Color – Statute does not address

Map 10

Section 6-9: Reimbursement for Alterations and Remodeling

AADA



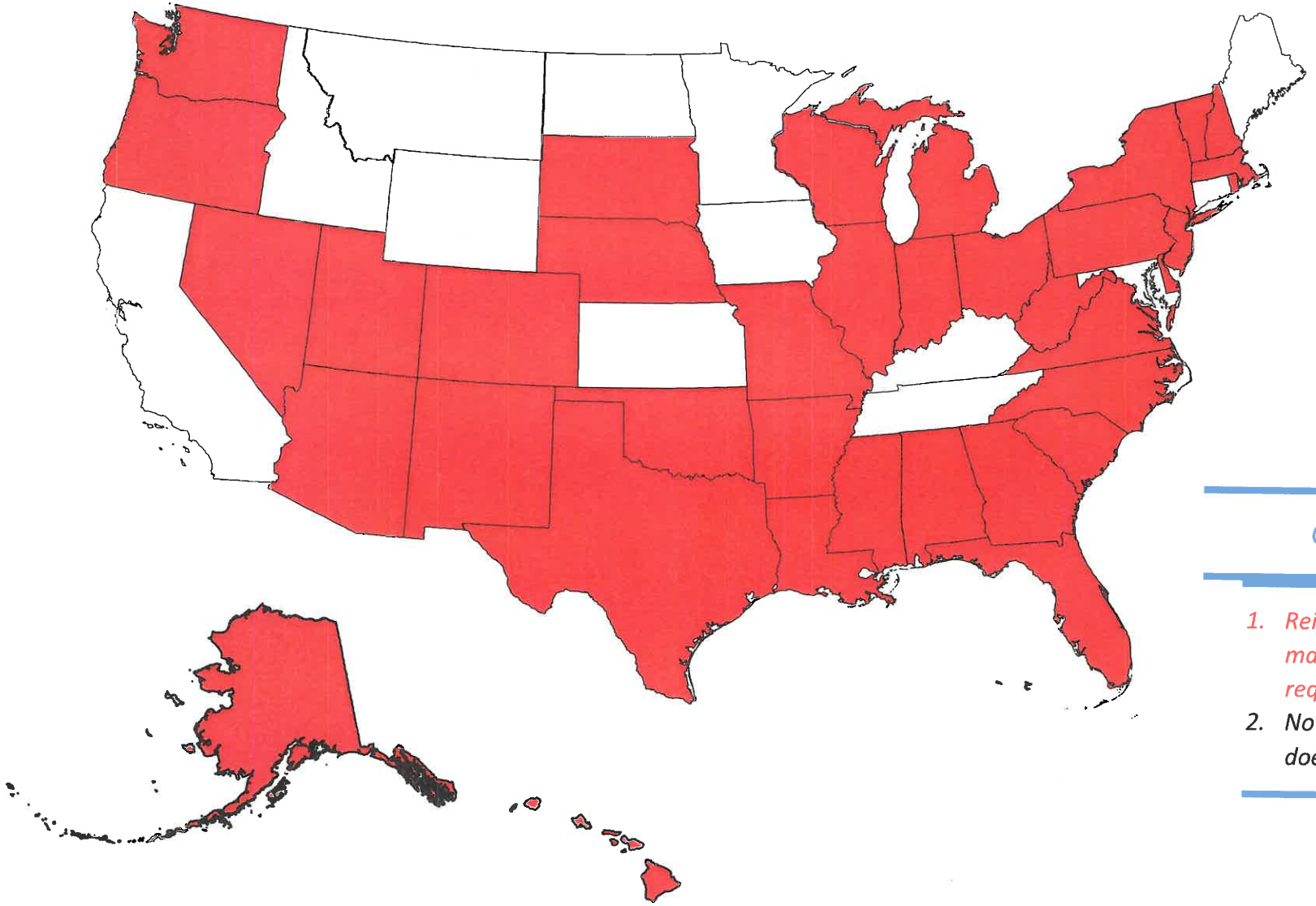
Guide

1. 3 years
2. 2 years
3. 1 year
4. 2 years if line make discontinuation
5. 5 years
6. 2 years if manufacturer bankruptcy
7. 3 years if line make discontinuation
8. If no good cause or a part of line make discontinuation
9. No Color – Statute does not address

Map 11

Sections 6-9: Reimbursement for signage required by manufacturer

AADA



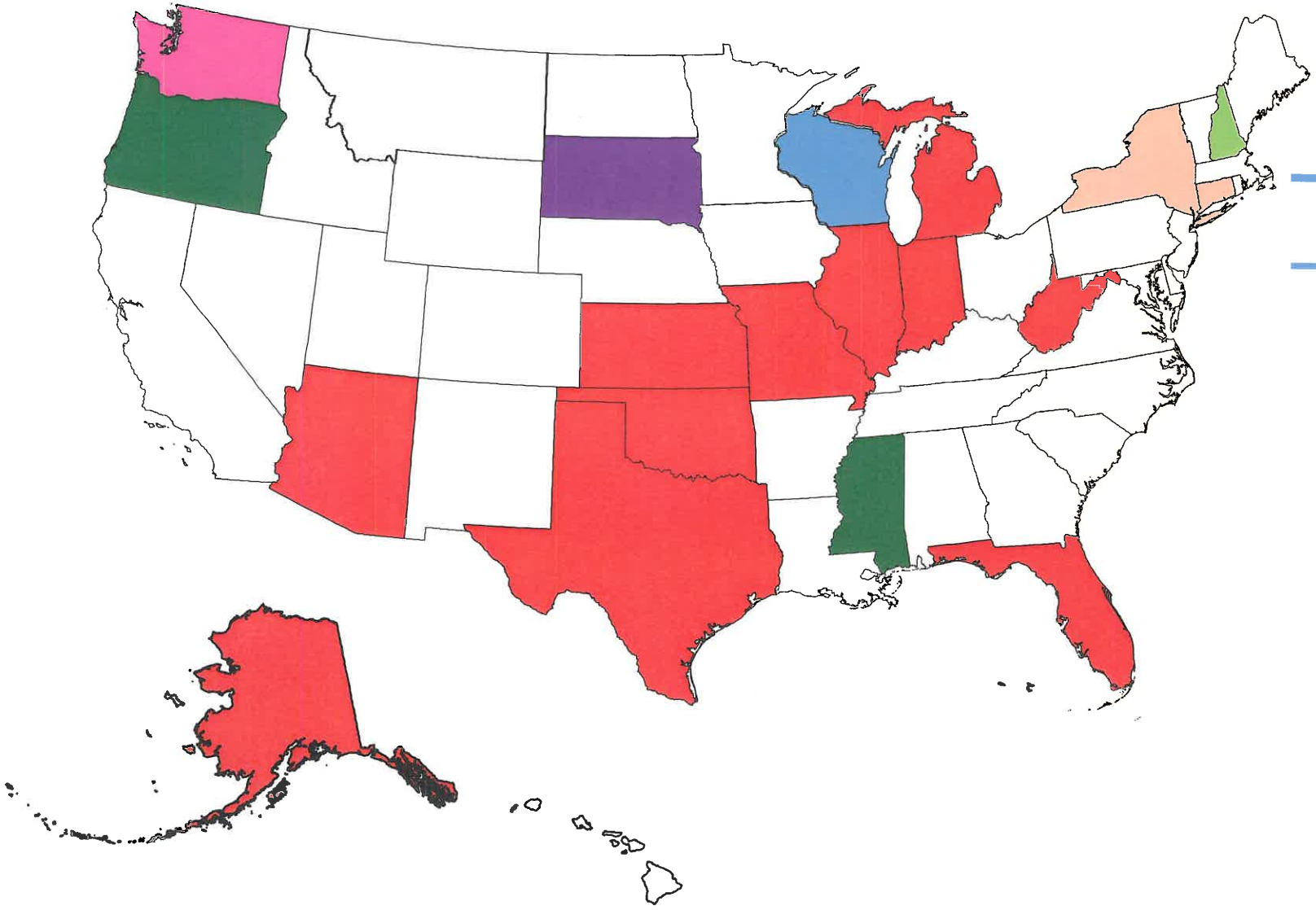
Guide

1. *Reimbursement for manufacturer required signage*
2. *No Color – Statute does not address*

Map 12

Sections 6-9: Reimbursement for Computers and Software

AADA



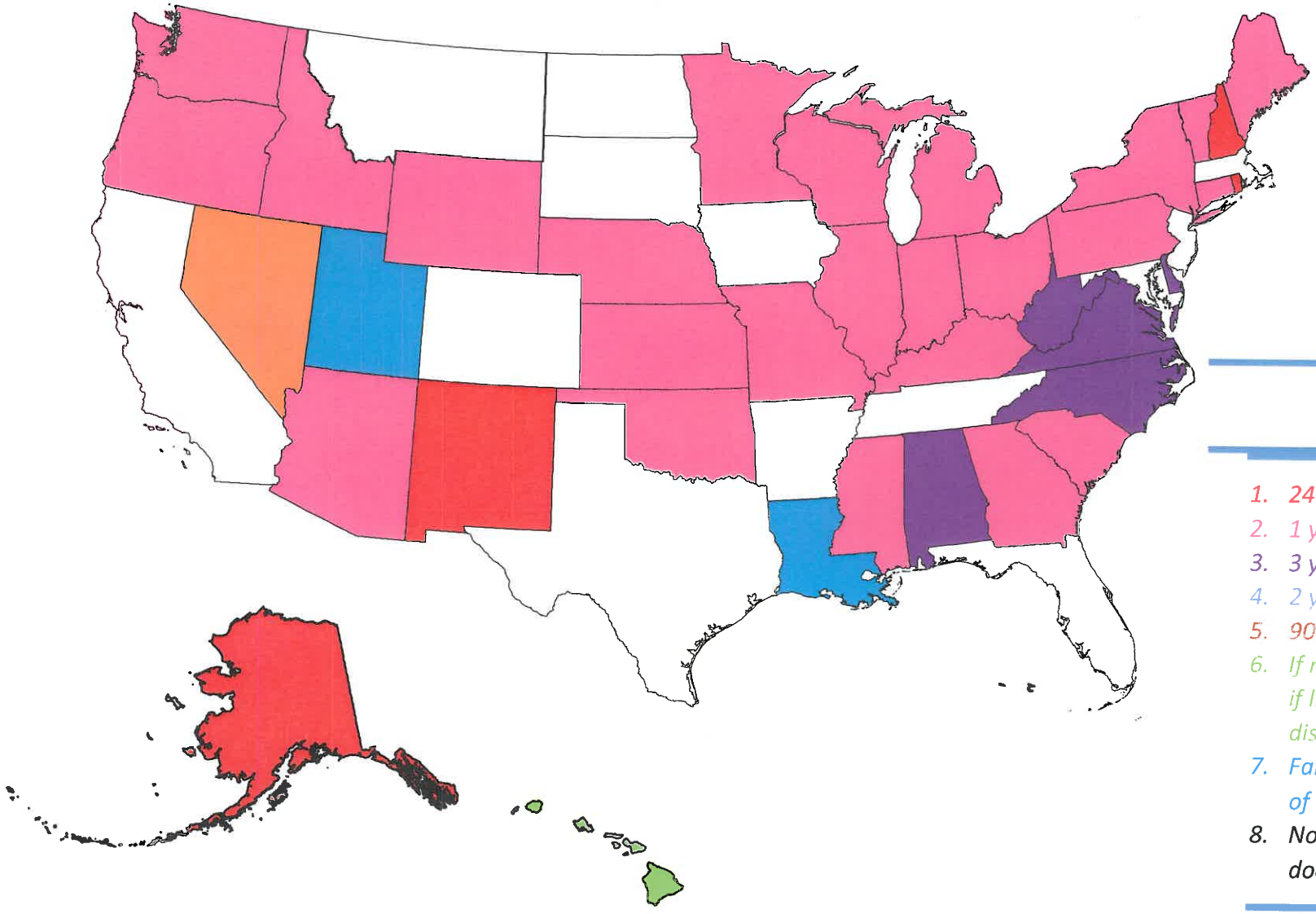
Guide

1. Reimbursable if required by manufacturer
2. Implied
3. Reimbursable less 20%
4. Reimbursable for a lease up to 18 months
5. Reimbursable if leased
6. Reimbursable for a lease up to 1 year
7. Reimbursable only for line make discontinuation
8. No Color – Statute

Map 13

Sections 6-9: Reimbursement for real property owned

AADA



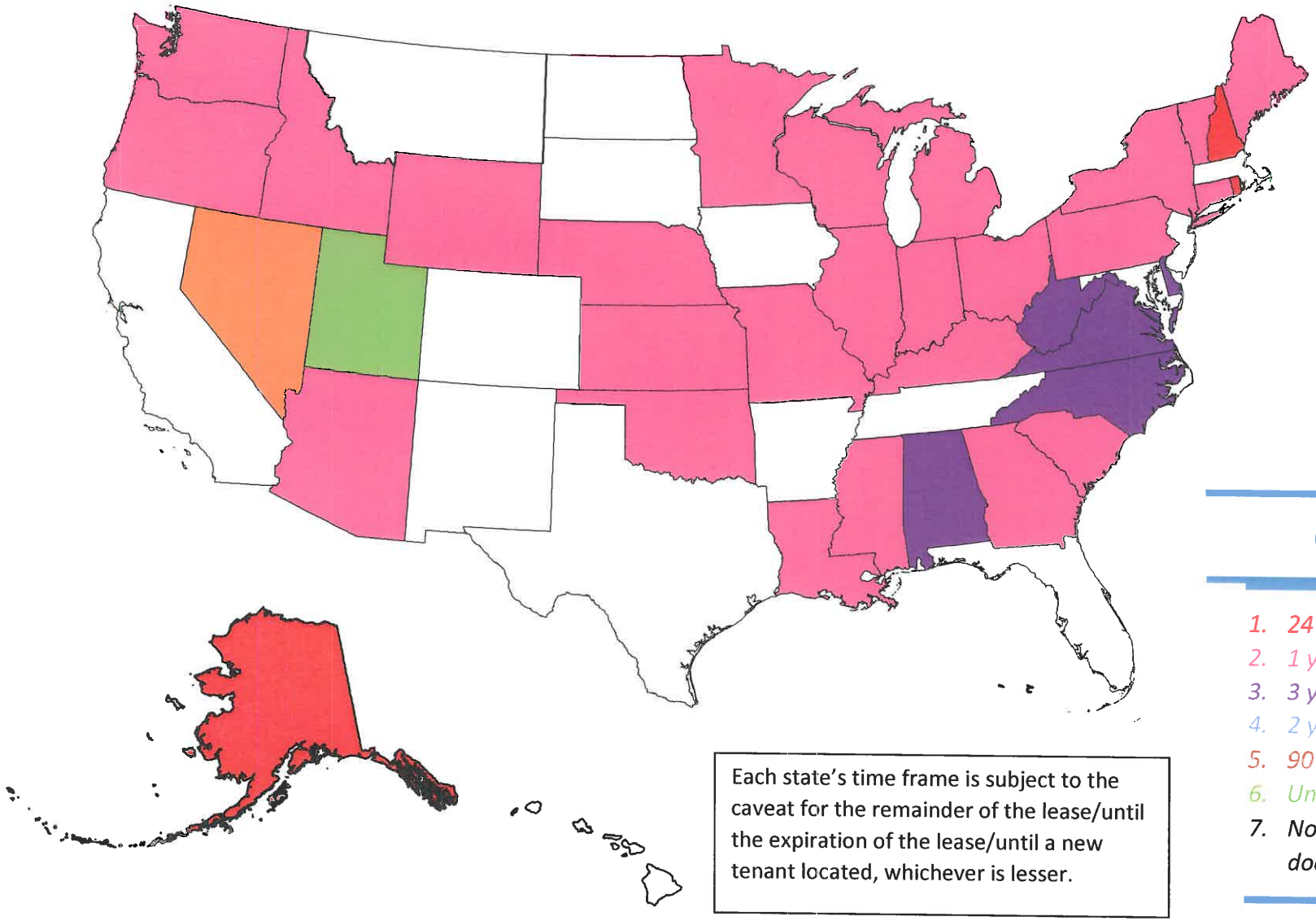
Guide

1. 24 months
2. 1 year
3. 3 years
4. 2 years
5. 90 days
6. If no good cause or if line make discontinuation
7. Fair Market Value of the property
8. No Color – Statute does not address

Map 14

Sections 6-9: Reimbursement for leases

AADA



Each state's time frame is subject to the caveat for the remainder of the lease/until the expiration of the lease/until a new tenant located, whichever is lesser.

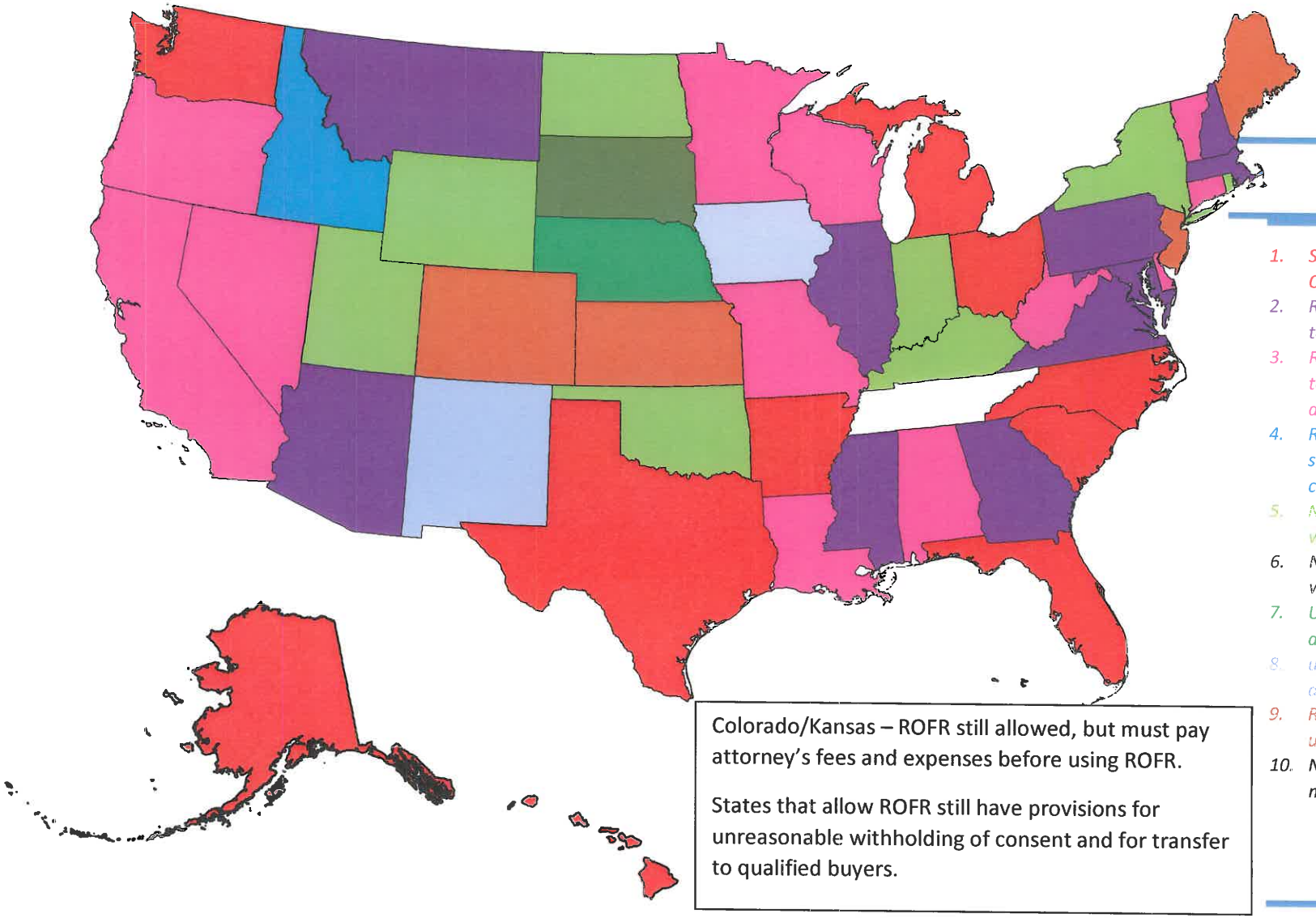
Guide

1. 24 months
2. 1 year
3. 3 years
4. 2 years
5. 90 days
6. Until lease expires
7. No Color – Statute does not address

Map 15

Section 10: Sale or Transfer of the Dealership

AADA



Guide

1. Substantially similar Qualified Buyer Restriction
2. ROFR allowed if not sale to family member
3. ROFR allowed if not sale to family member and authorized in contract
4. ROFR allowed if in separate contract w/ add'l consideration
5. No unreasonable withholding consent
6. No unreasonable withholding and No ROFR
7. Unless substantially detrimental
8. unless no license; No ROFR allowed
9. ROFR allowed; no unreasonable withholding
10. No Color – Statute does not address

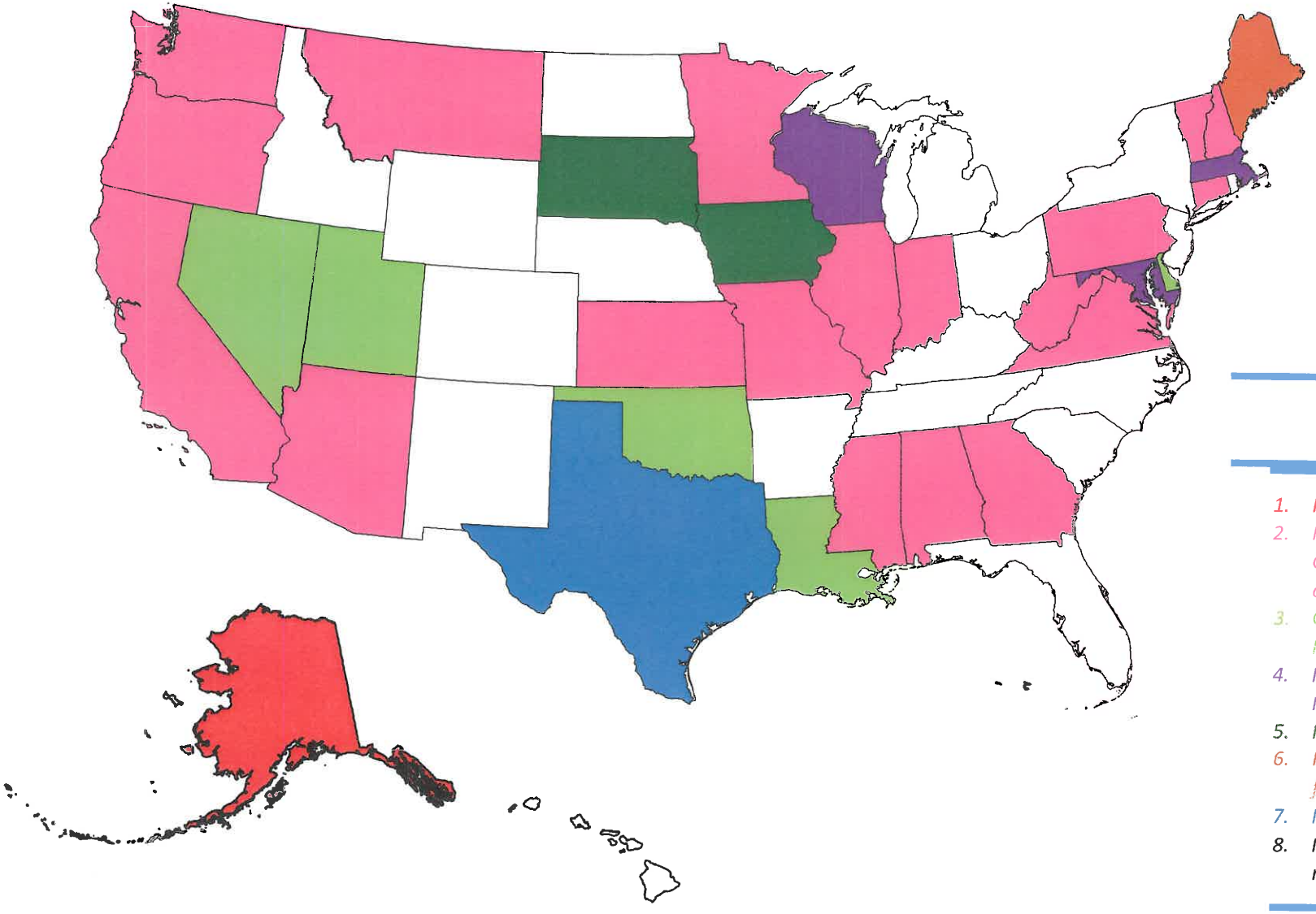
Colorado/Kansas – ROFR still allowed, but must pay attorney's fees and expenses before using ROFR.

States that allow ROFR still have provisions for unreasonable withholding of consent and for transfer to qualified buyers.

Map 16

Section 12: Succession-When Right of First Refusal Not Allowed

AADA



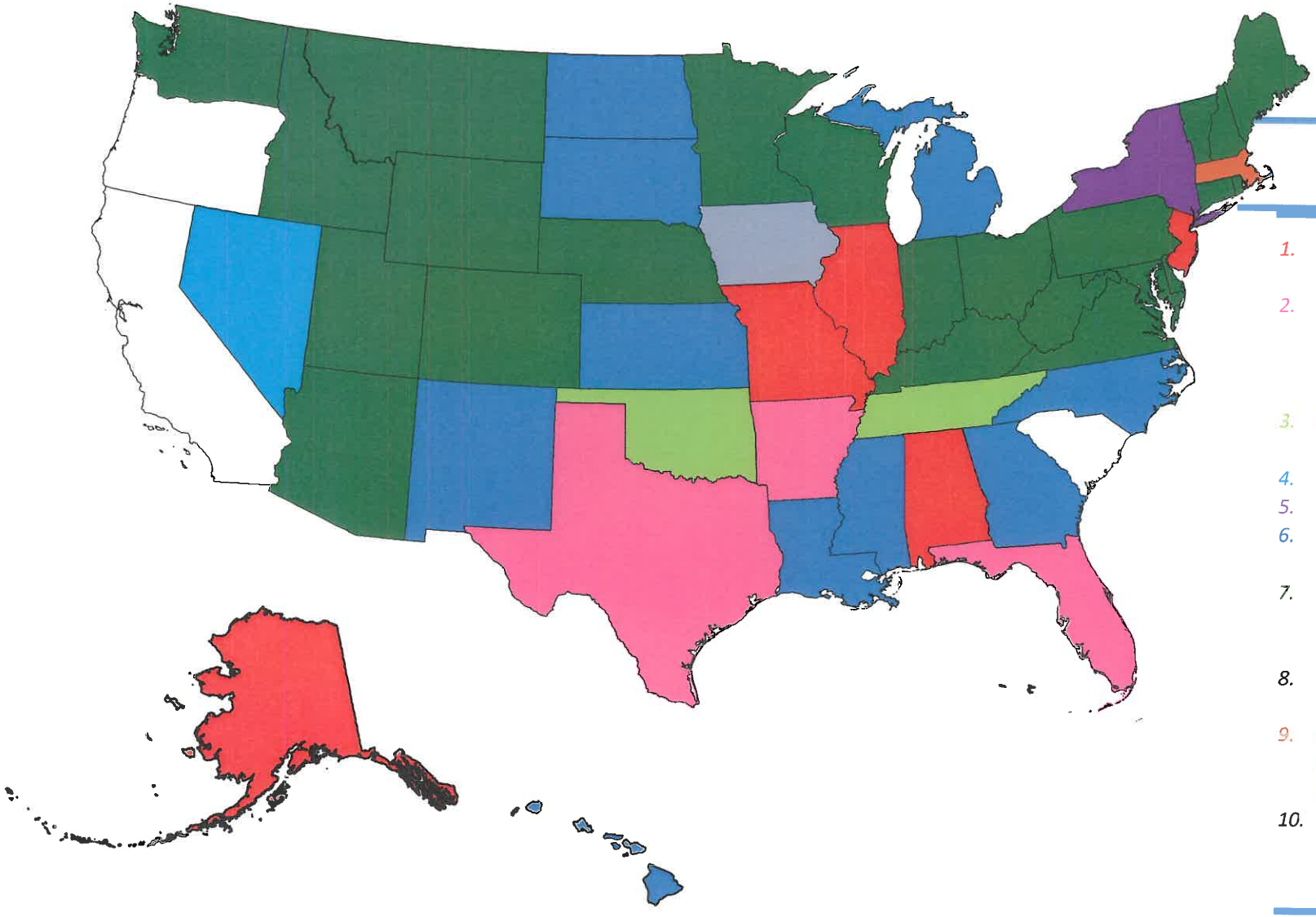
Guide

1. First or Second Degree
2. First Degree; Grandchildren; Spouses of those designated
3. General Family Member
4. Immediate Family Member
5. No ROFR
6. ROFR allowed except for succession
7. Must honor succession
8. No Color – Statute does not address

Map 17

Section 12: Succession- to a qualified successor

AADA



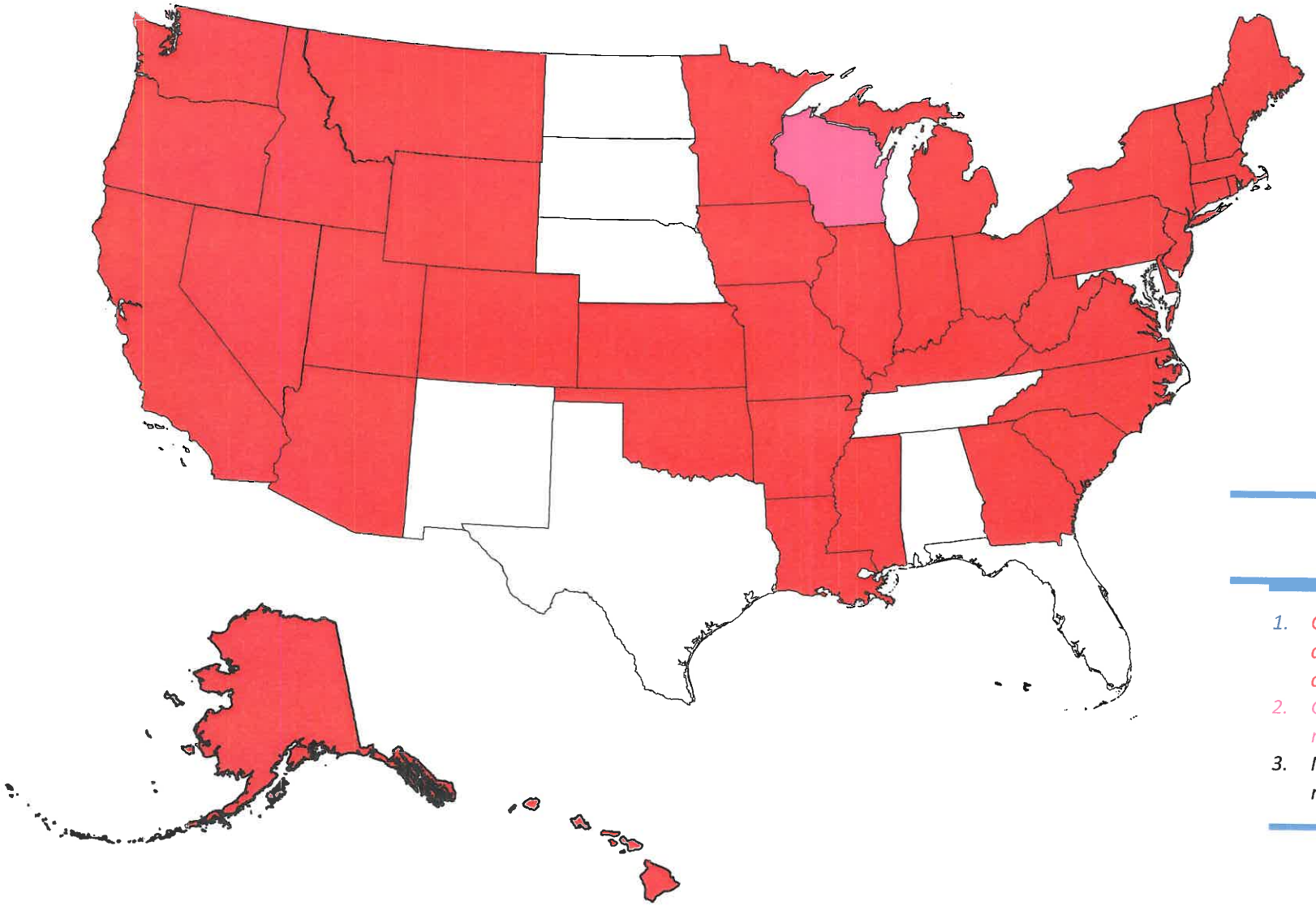
Guide

1. Successor must be qualified
2. Must honor successor unless detrimental to public interest or representation
3. Legal heir unless good cause
4. Spouse or adult child
5. Legal heir if qualified
6. Any devisee unless good cause
7. Designated Family member unless good cause
8. Successor must be able to obtain license
9. Legal heir honored as long as qualified manager
10. No Color – Statute does not address restrictions on ROFR

Map 18

Section 13: Adding or Relocating Dealerships, Good Cause Required

AADA



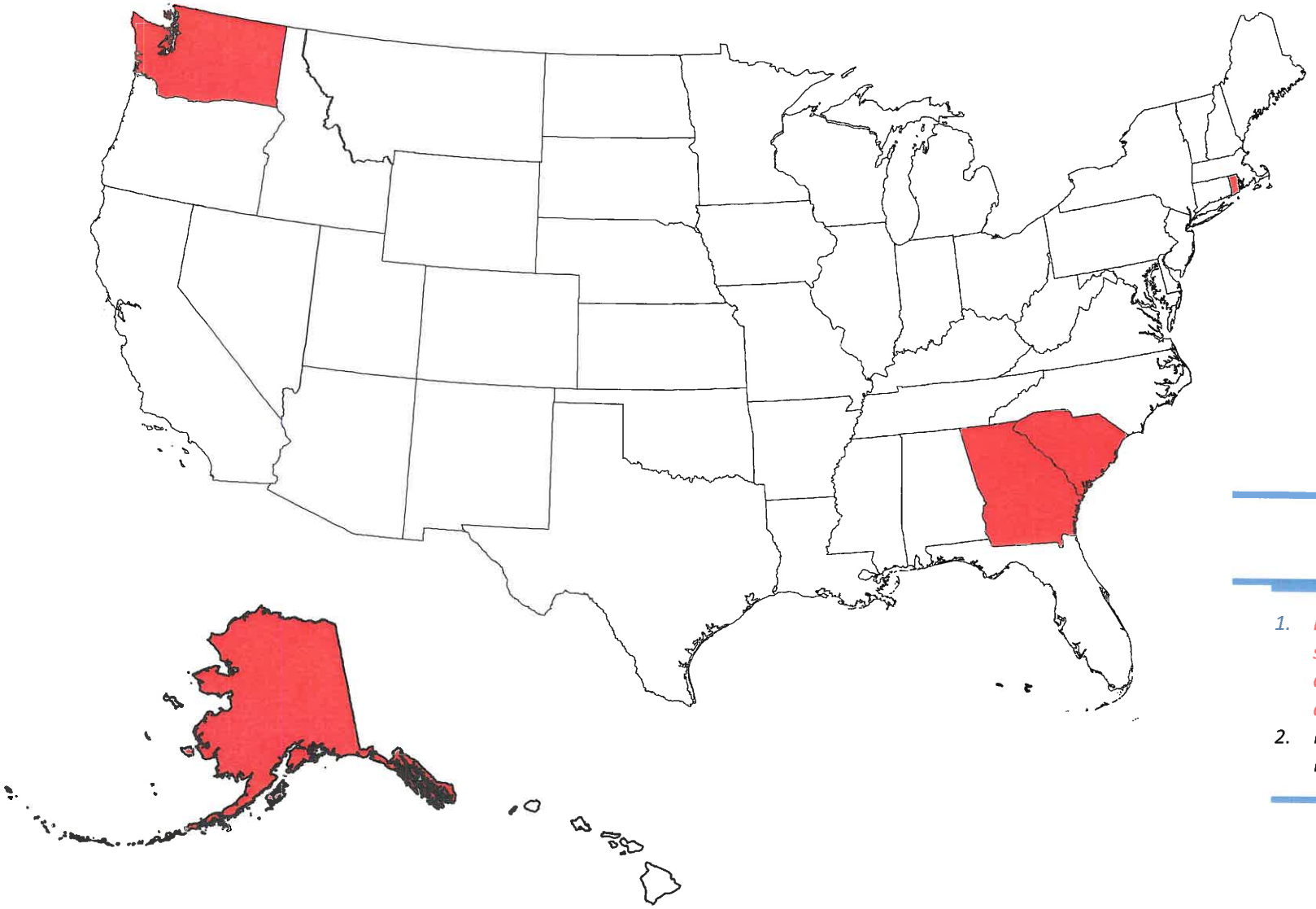
Guide

1. Good Cause Required and factors for consideration listed
2. Good Cause Required, no factors listed
3. No Color – Statute does not address

Map 19

Section 13: Adding or Relocating Dealerships, Factor Similar to (c)(10)

AADA



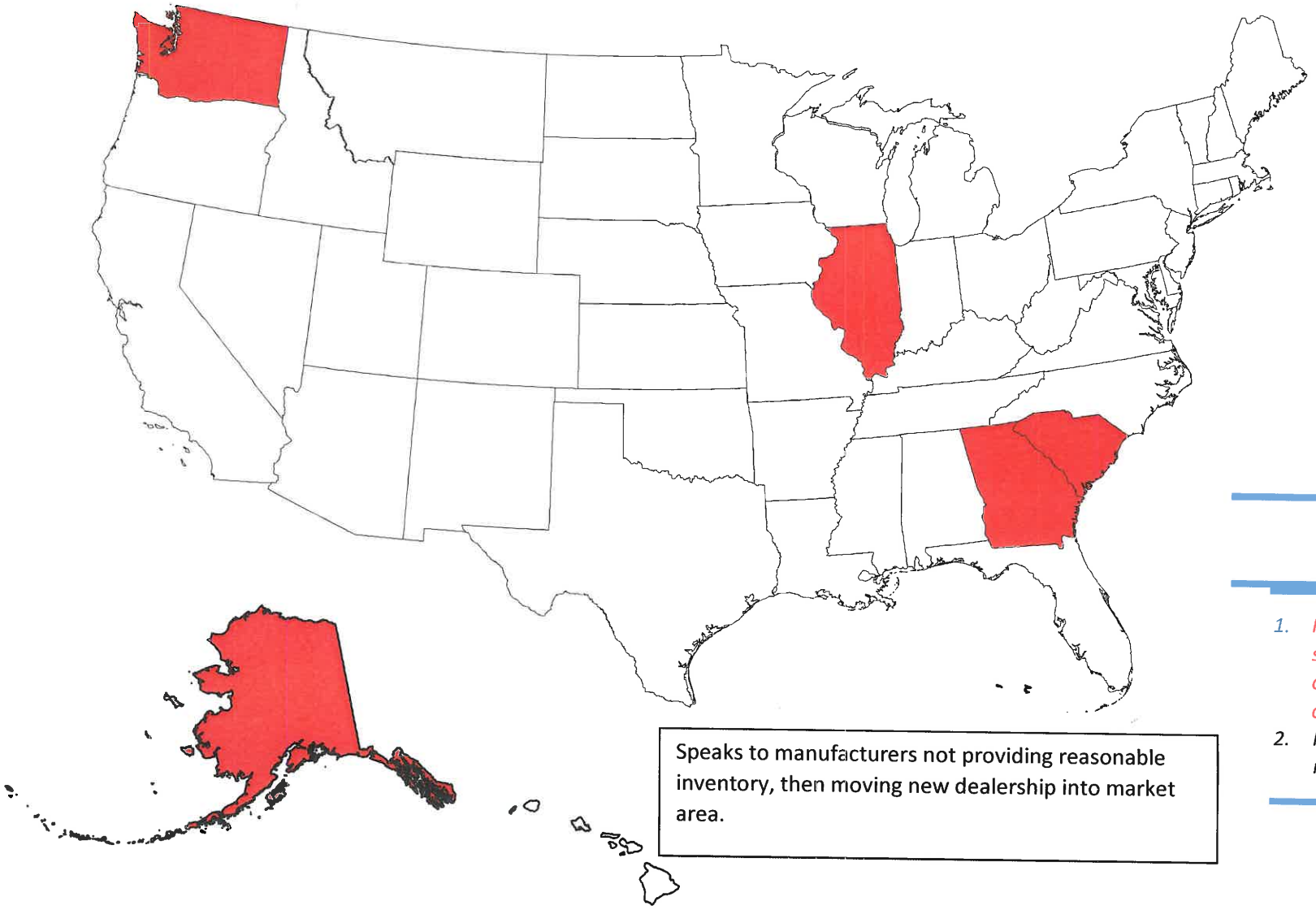
Guide

1. *Factor substantially similar to (c)(10) considered in good cause*
2. *No Color – Statute does not address*

Map 20

Section 13: Adding or Relocating Dealerships, Factor similar to (C)(11)

AADA



Speaks to manufacturers not providing reasonable inventory, then moving new dealership into market area.

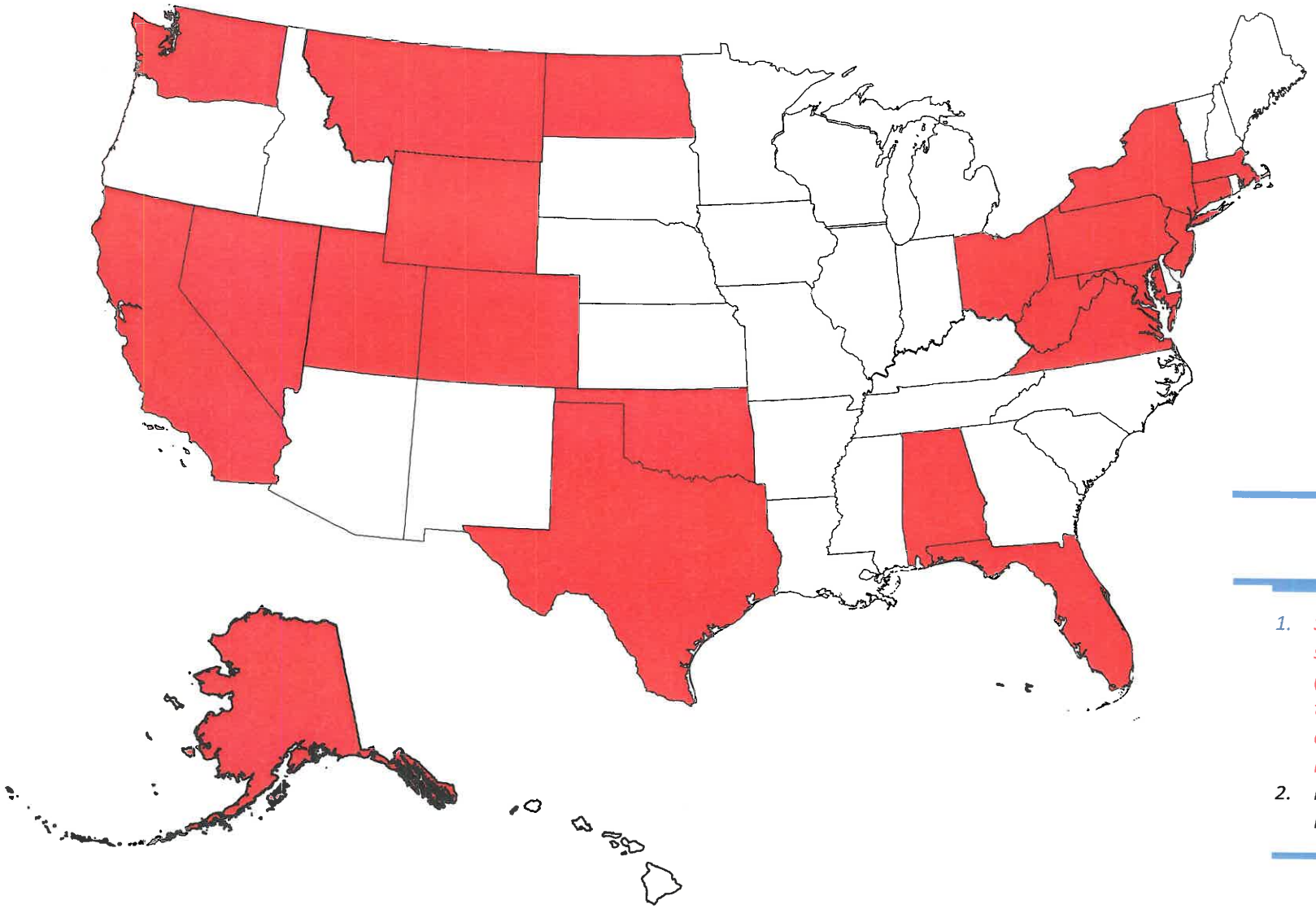
Guide

1. *Factor substantially similar to (c)(11) considered in good cause*
2. *No Color – Statute does not address*

Map 21

Section 14: Stay of termination pending review

AADA



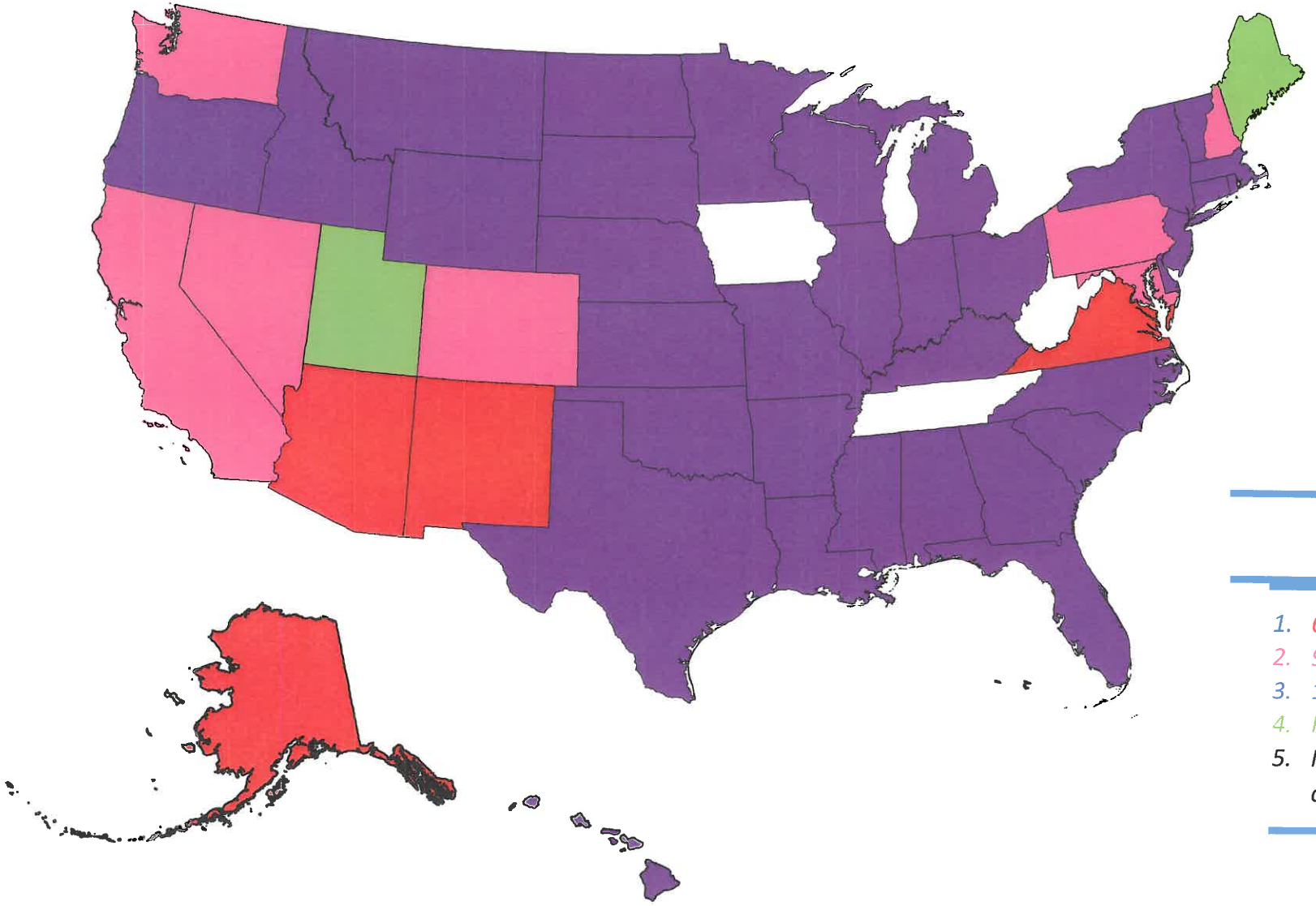
Guide

1. *Statute provides for a stay pending review (includes requirements to perform under agreement pending review)*
2. *No Color – Statute does not address*

Map 22

Section 15: Timeline for Warranty Audits

AADA



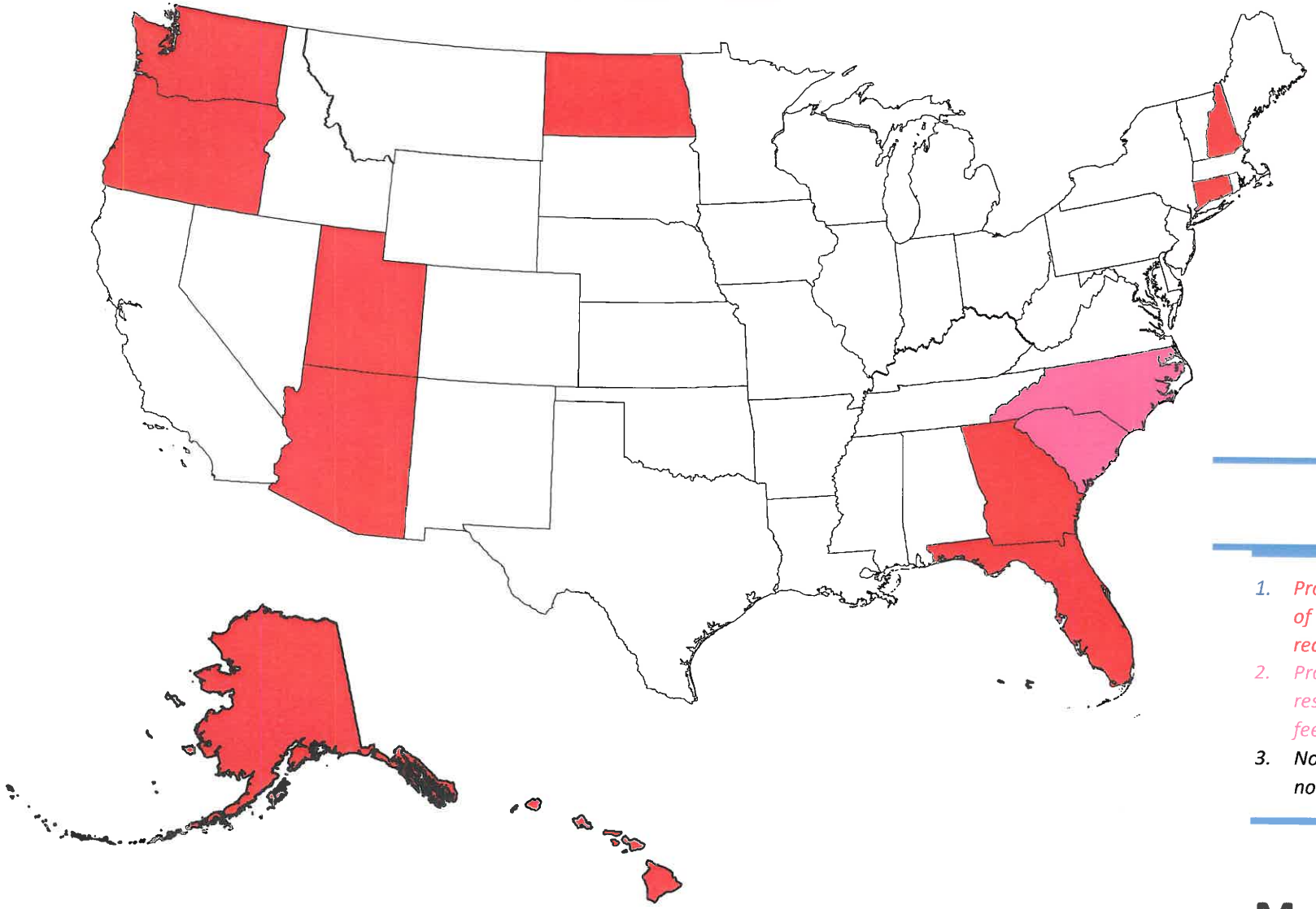
Guide

1. 6 months
2. 9 months
3. 1 year
4. Reasonable basis
5. No Color – Statute does not address

Map 23

Section 15: Prohibiting Recoupment of Costs for Compliance with Warranty Reimbursement

AADA



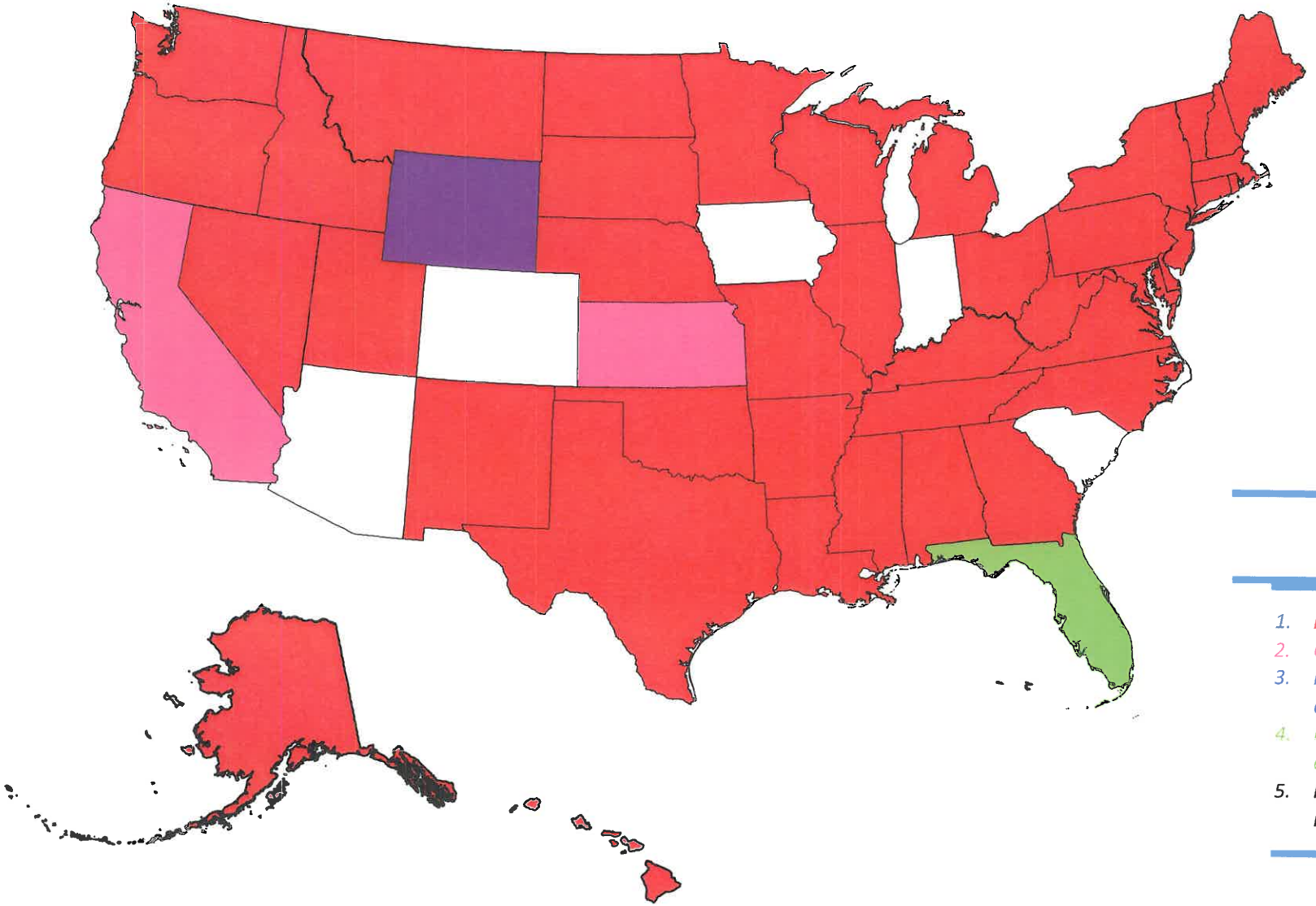
Guide

1. *Prohibits recoupment of compliance with requirements*
2. *Prohibits charging of restocking or handling fees*
3. *No Color – Statute does not address*

Map 24

Section 15: Warranty Reimbursement at Retail Rates

AADA



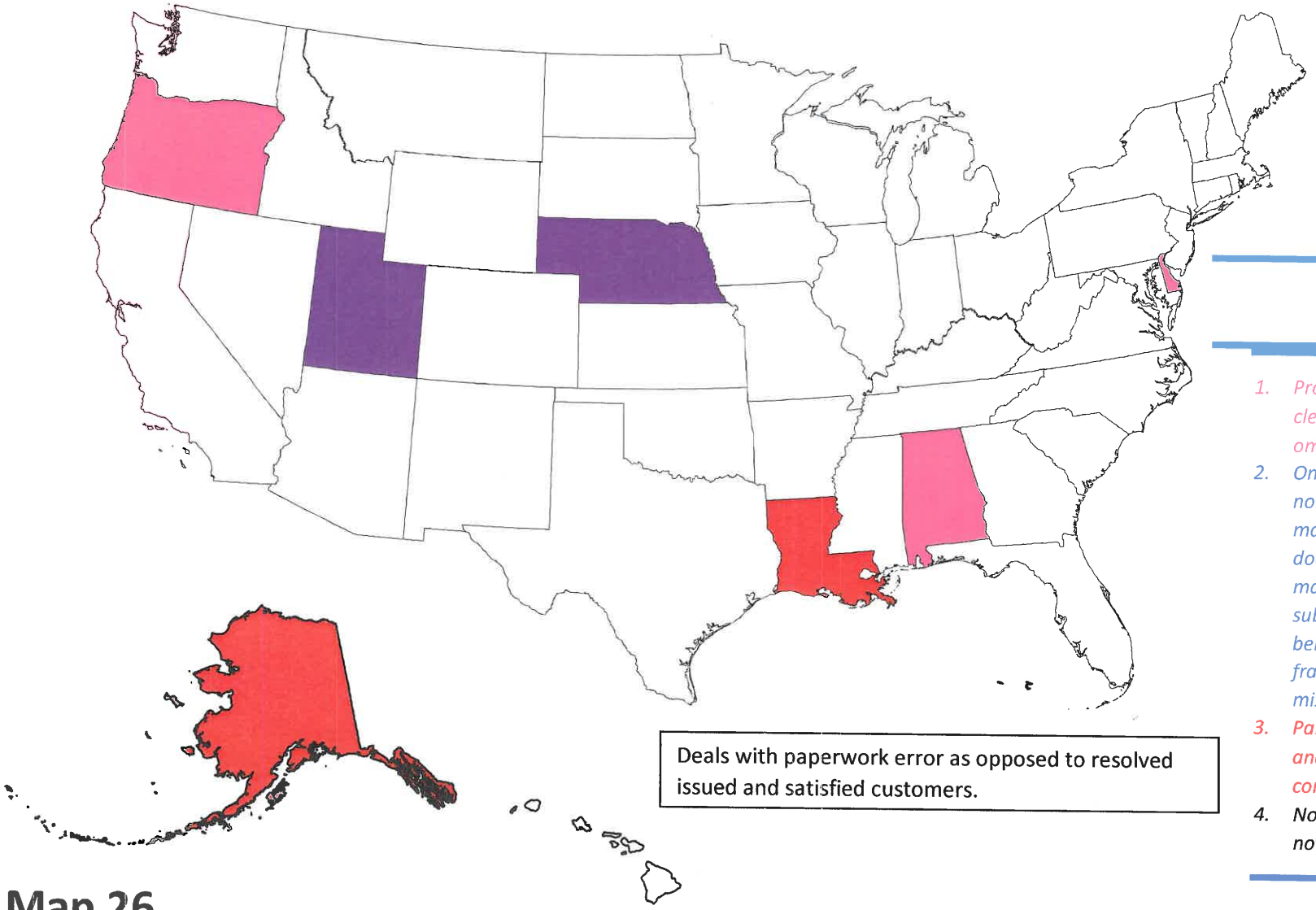
Guide

1. Requires retail rates
2. Considers retail rates
3. Not exceed retail; parts at dealer cost plus 30%
4. Retail rates, but parties can agree otherwise
5. No Color – Statute does not address

Map 25

Section 15: Prohibiting Chargebacks or Denial for Noncompliance

AADA



Deals with paperwork error as opposed to resolved issued and satisfied customers.

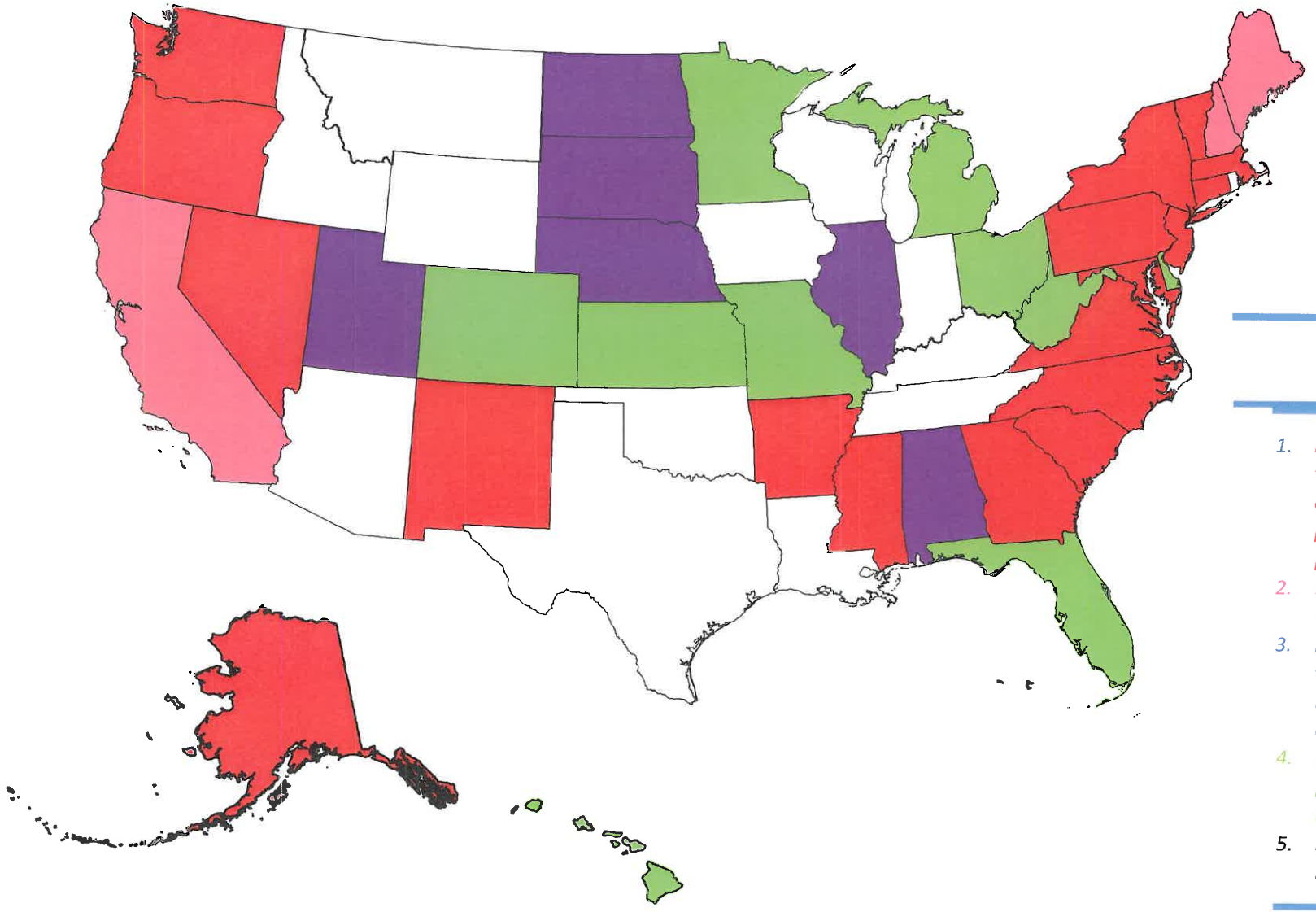
Guide

1. *Prohibits chargeback if clerical/admin. omission*
2. *Only deny if nonwarranty; no material documentation; fails to material comply with substantial terms; belief that it is false, fraudulent, misrepresentation*
3. *Paid if repair covered and it resolved the condition*
4. *No Color – Statute does not address*

Map 26

Section 16: (1-3) Different Prices

AADA



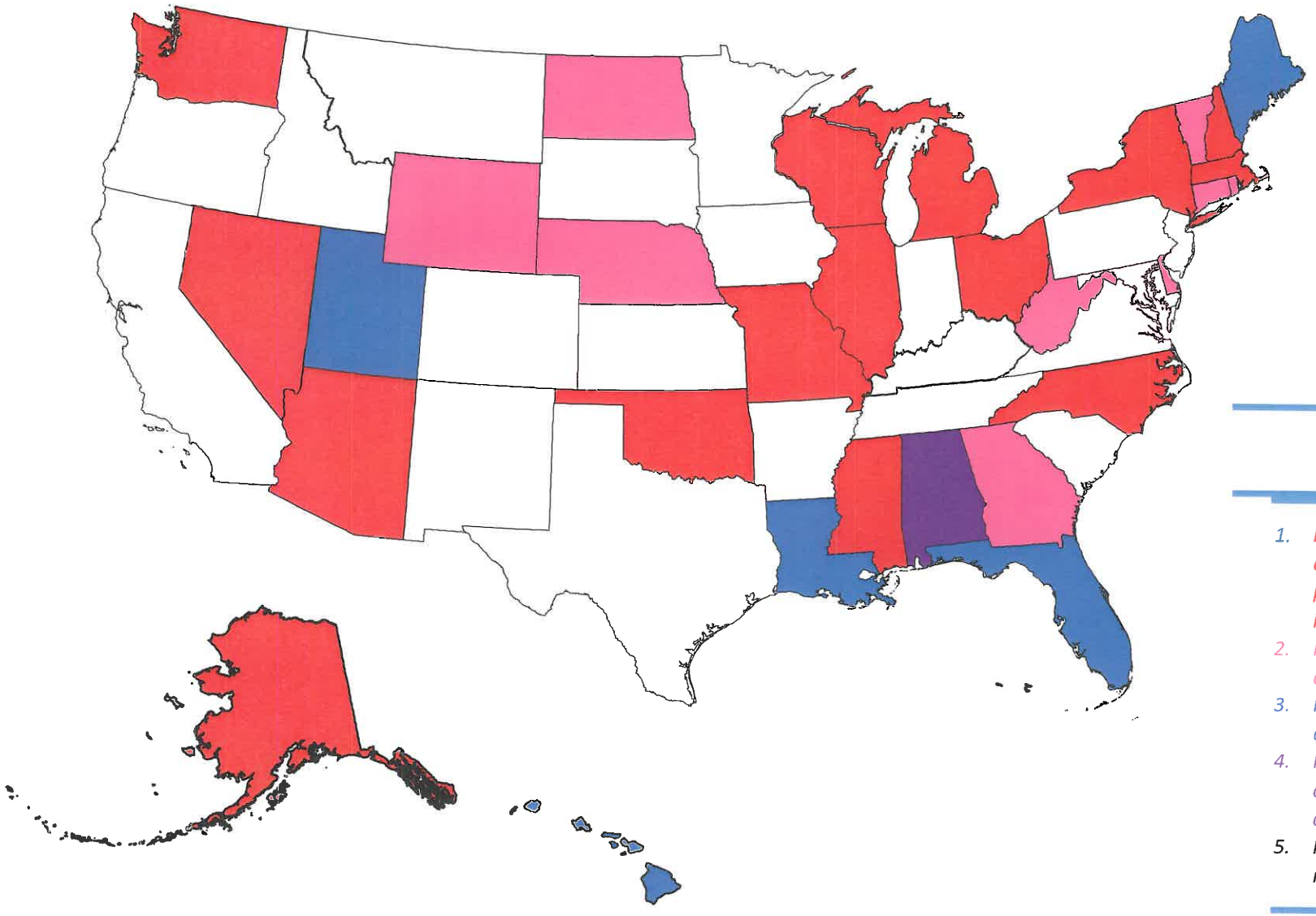
Guide

1. No different prices for vehicles, parts, accessories OR use programs to make prices lower
2. No different prices for vehicles and parts
3. No different prices for vehicles and no use of incentive programs to do so
4. No use of incentive programs to create different prices
5. No Color – Statute does not address

Map 27

Section 16: (4) Allocation

AADA



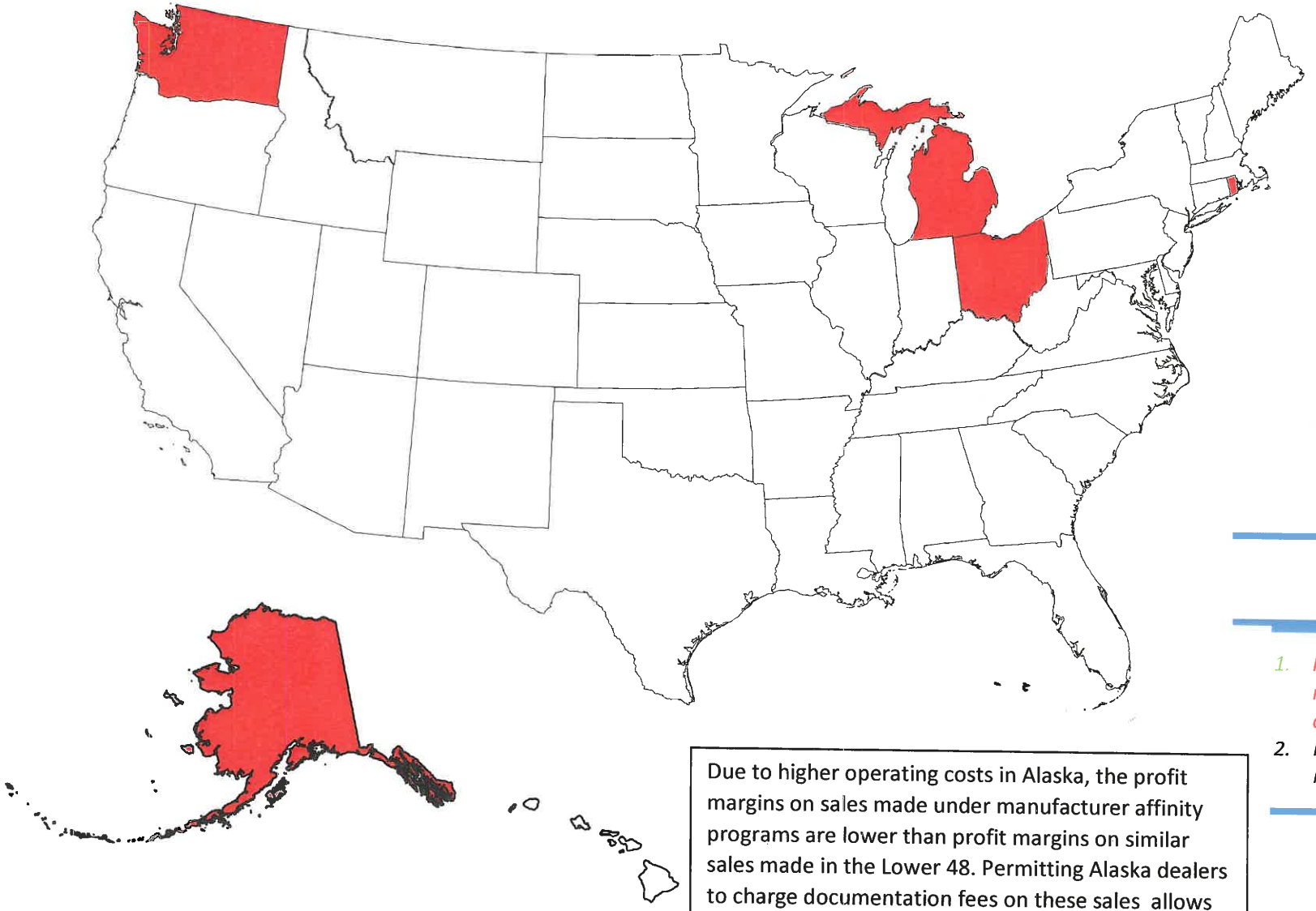
Guide

1. *No unreasonable allocation and must provide allocation information*
2. *Must provide basis for allocation*
3. *No unreasonable allocation*
4. *May not enter into agreement to decrease allocation*
5. *No Color – Statute does not address*

Map 28

Section 16: (5) Documentation Fee

AADA



Due to higher operating costs in Alaska, the profit margins on sales made under manufacturer affinity programs are lower than profit margins on similar sales made in the Lower 48. Permitting Alaska dealers to charge documentation fees on these sales allows Alaska dealers to make up some of this difference.

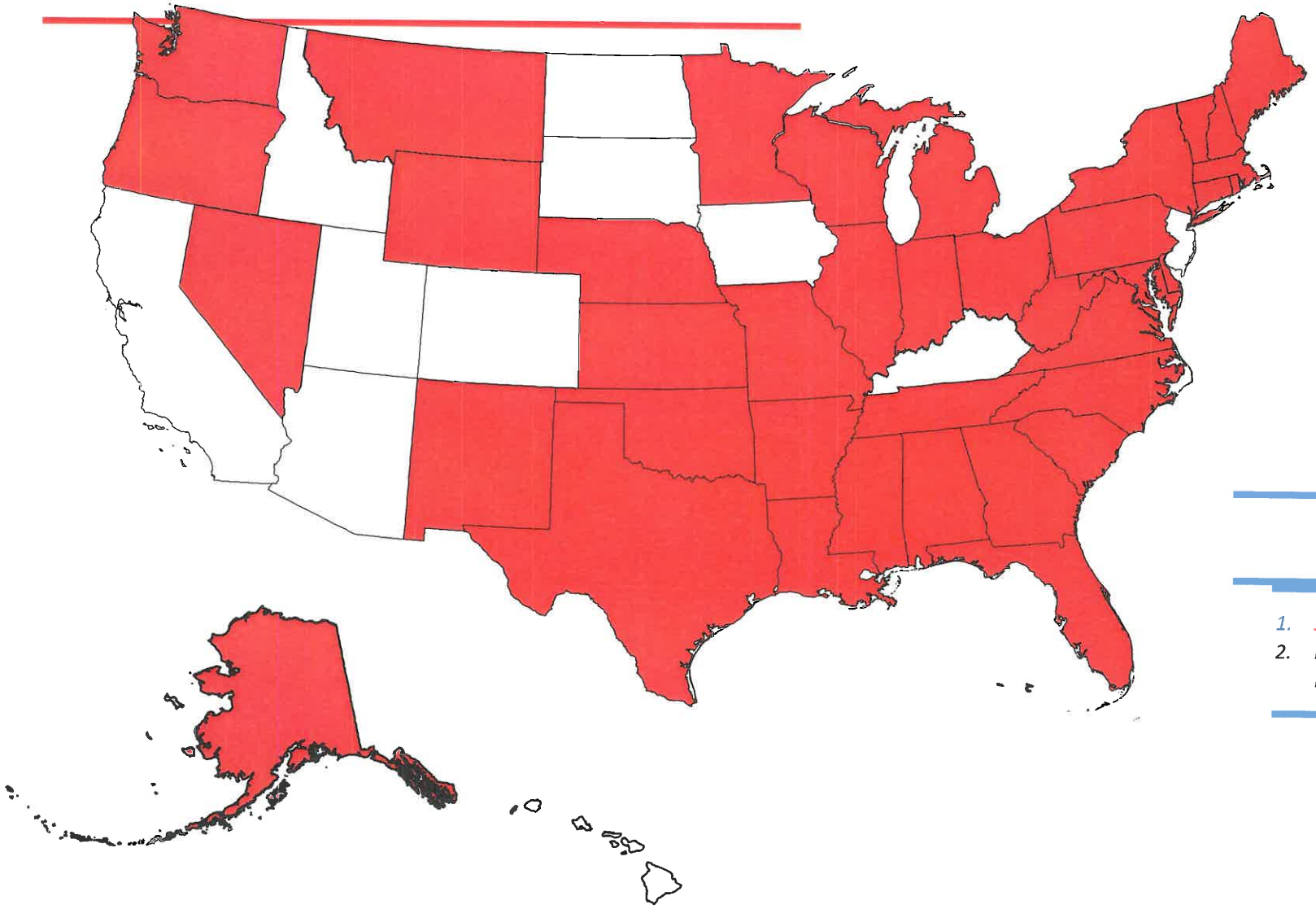
Guide

1. *Prohibit disallowing recovery of documentation fee*
2. *No Color – Statute does not address*

Map 29

Section 16: (6) May not refuse to deliver reasonable quantities of vehicles, parts, and accessories

AADA



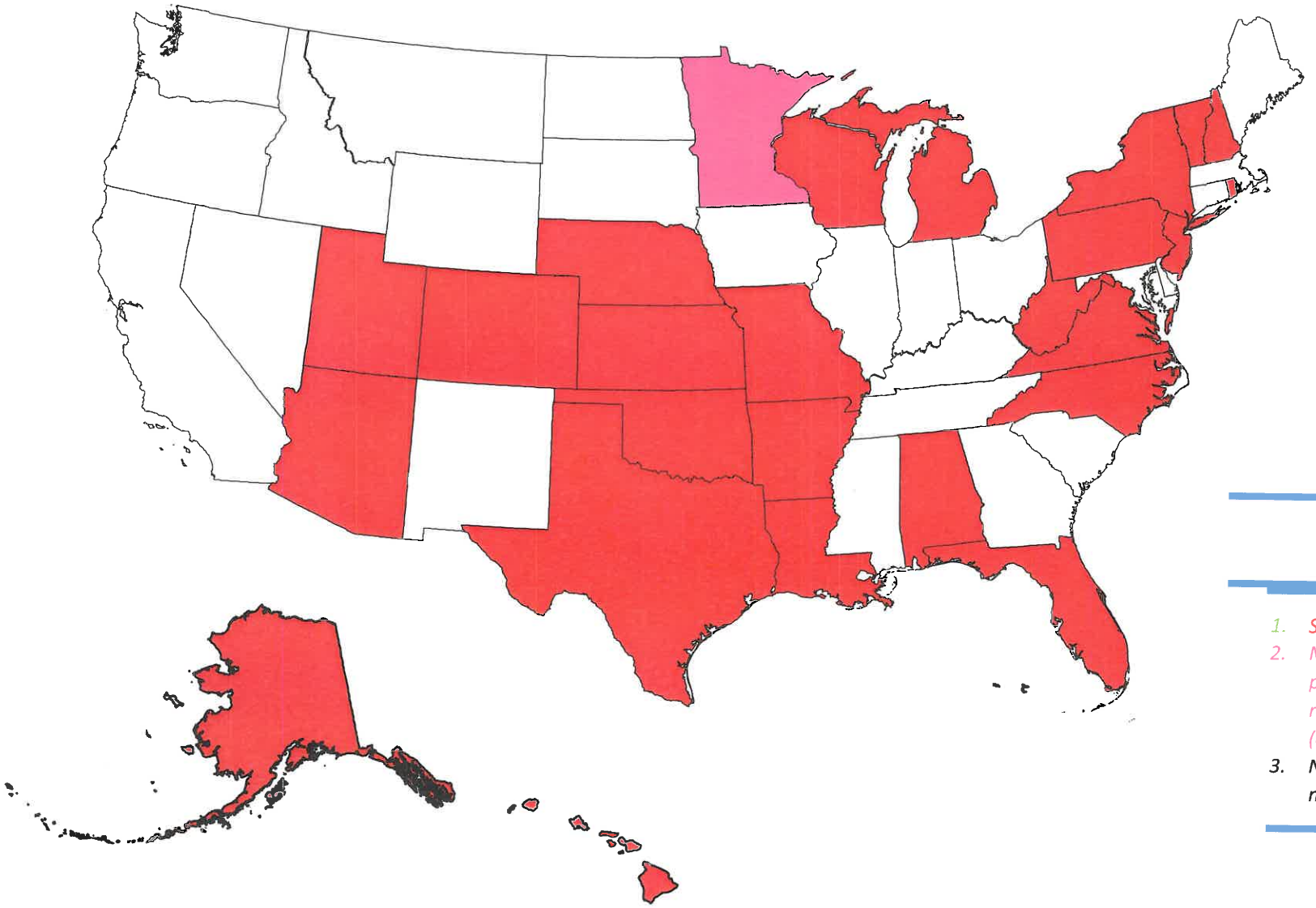
Guide

1. *Substantially similar*
2. *No Color – Statute does not address*

Map 30

Section 16: (9) Must make all models available to dealers

AADA



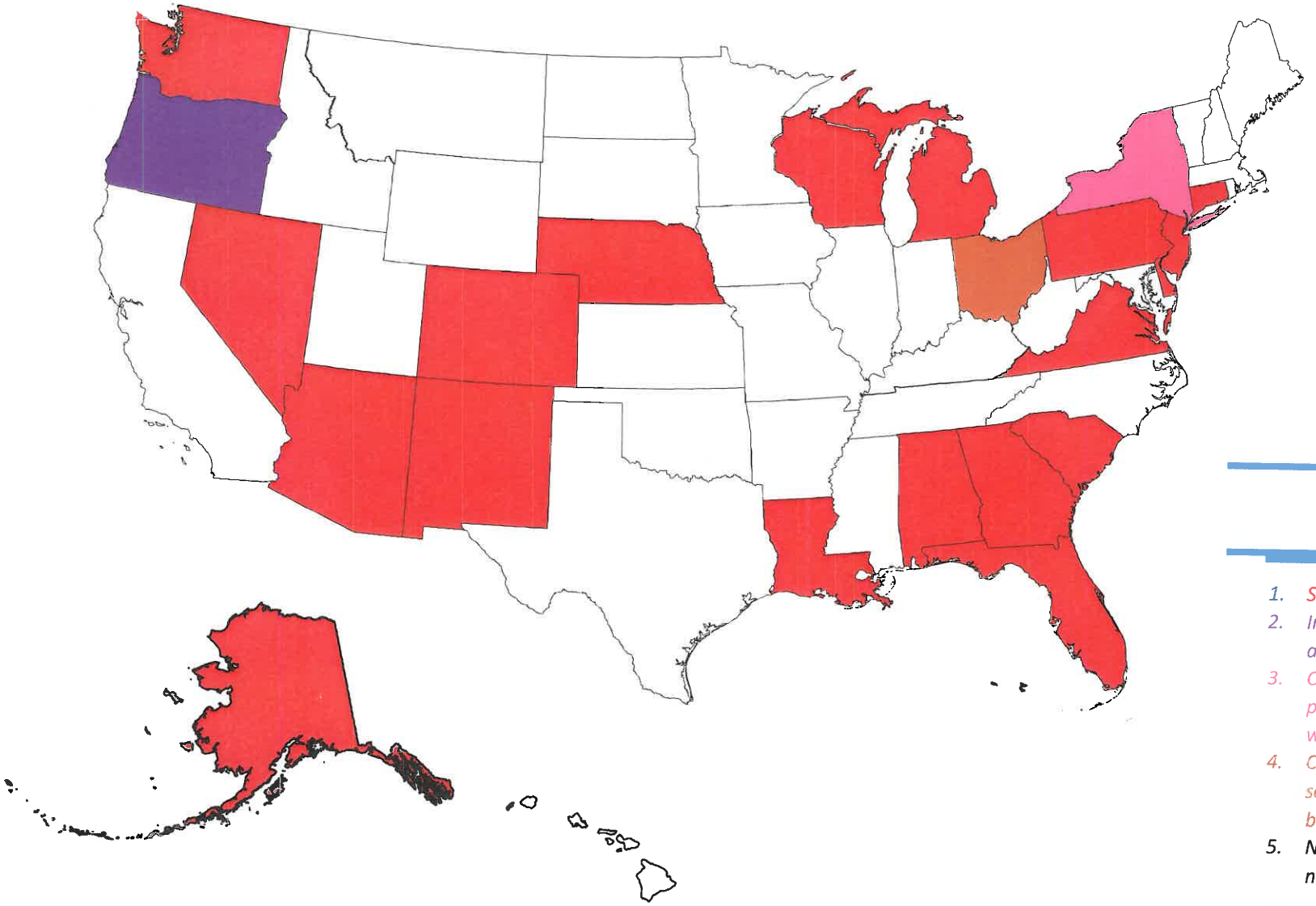
Guide

1. Substantially Similar
2. May not have any prerequisites to receiving a model (other than technology)
3. No Color – Statute does not address

Map 31

Section 16: (11) Manufacturer may not operate service facility

AADA



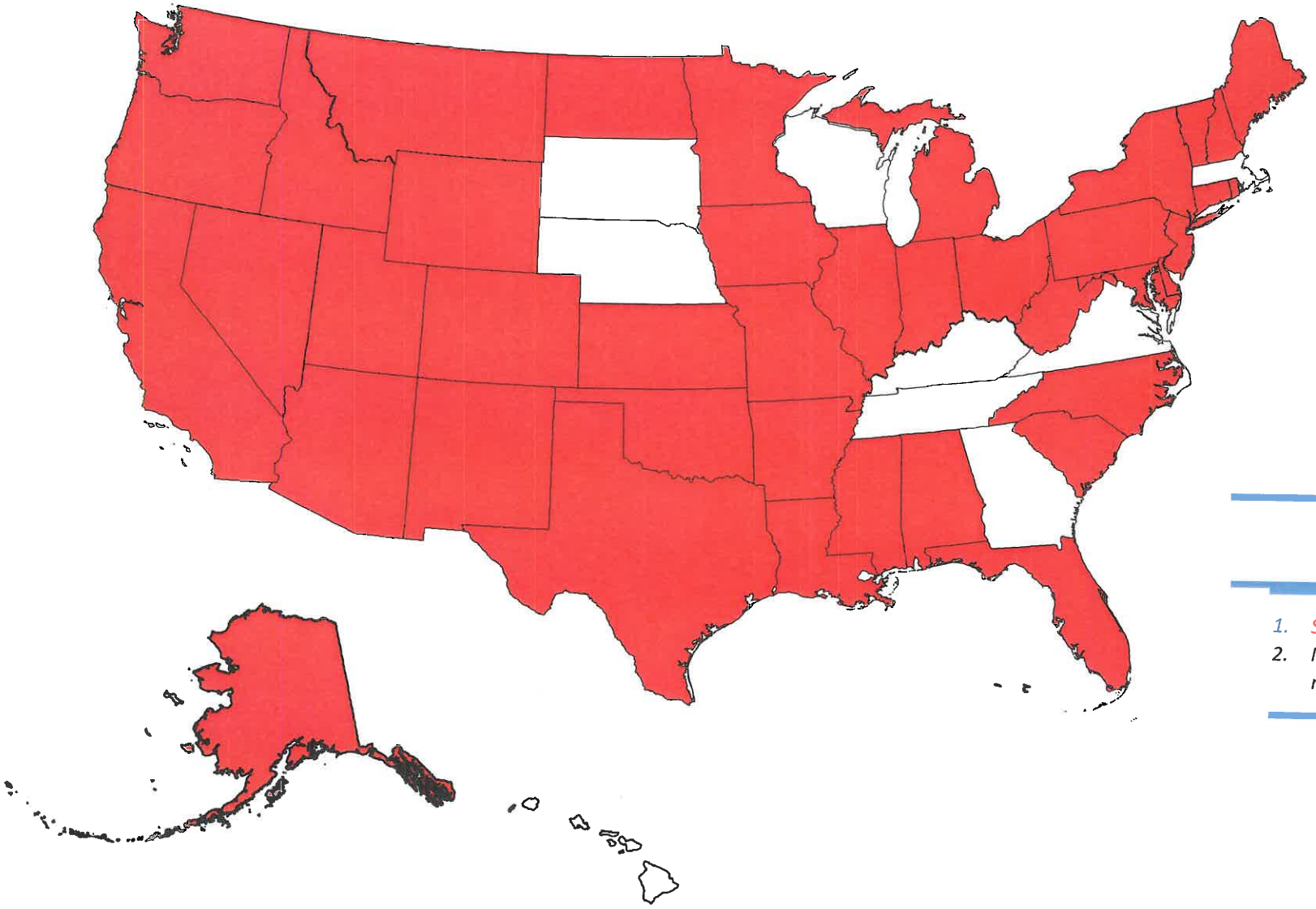
Guide

1. Substantially similar
2. In the relevant market area
3. Cannot have someone perform repair work who is not franchised
4. Cannot compete with a service facility owned by a franchisee
5. No Color – Statute does not address

Map 32

Section 16: (14) Manufacturer cannot prohibit other line make

AADA



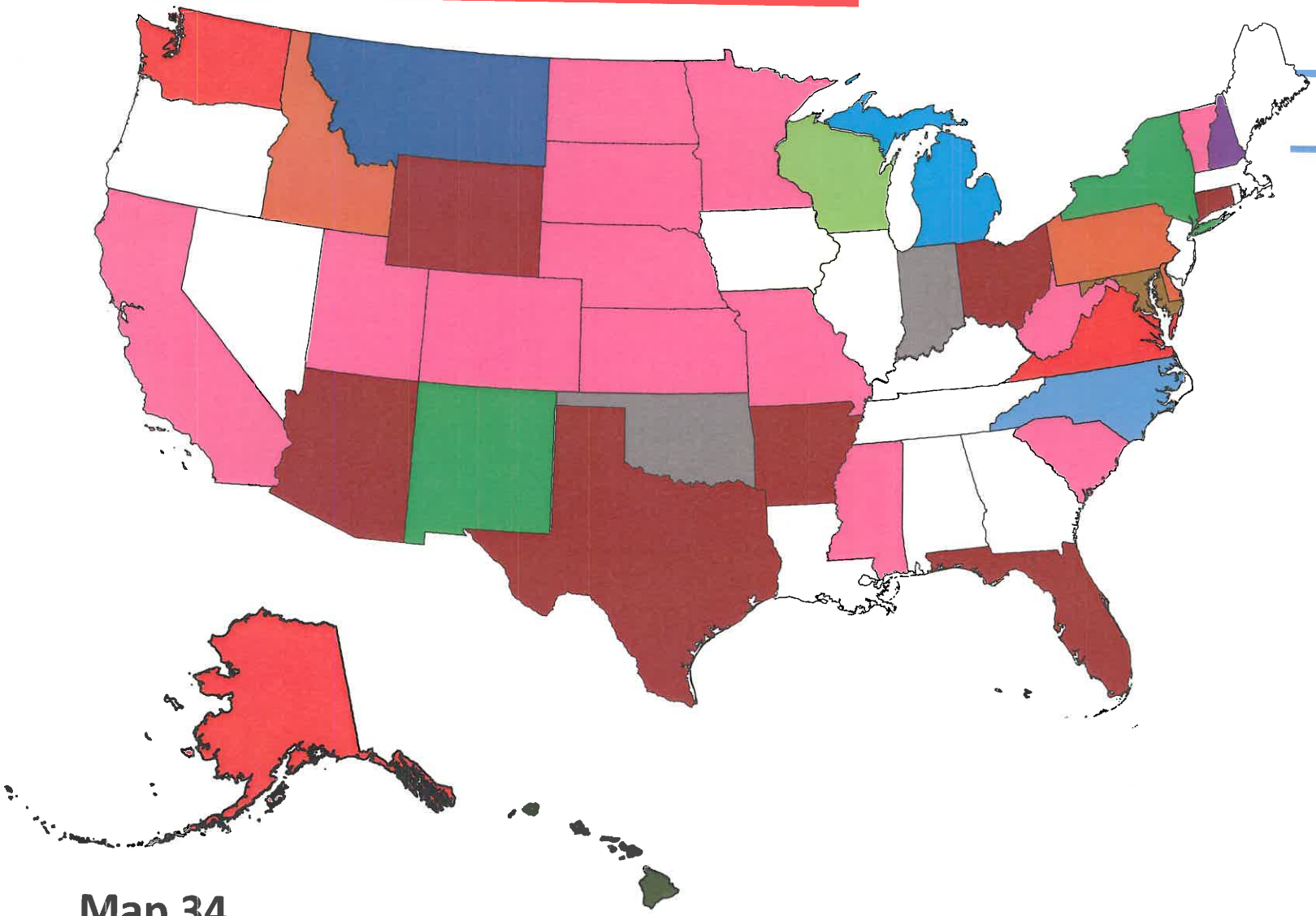
Guide

1. Substantially similar
2. No Color – Statute does not address

Map 33

Section 16: (15) Manufacturer may not require remodel unless required of all similarly situated or reasonable

AADA



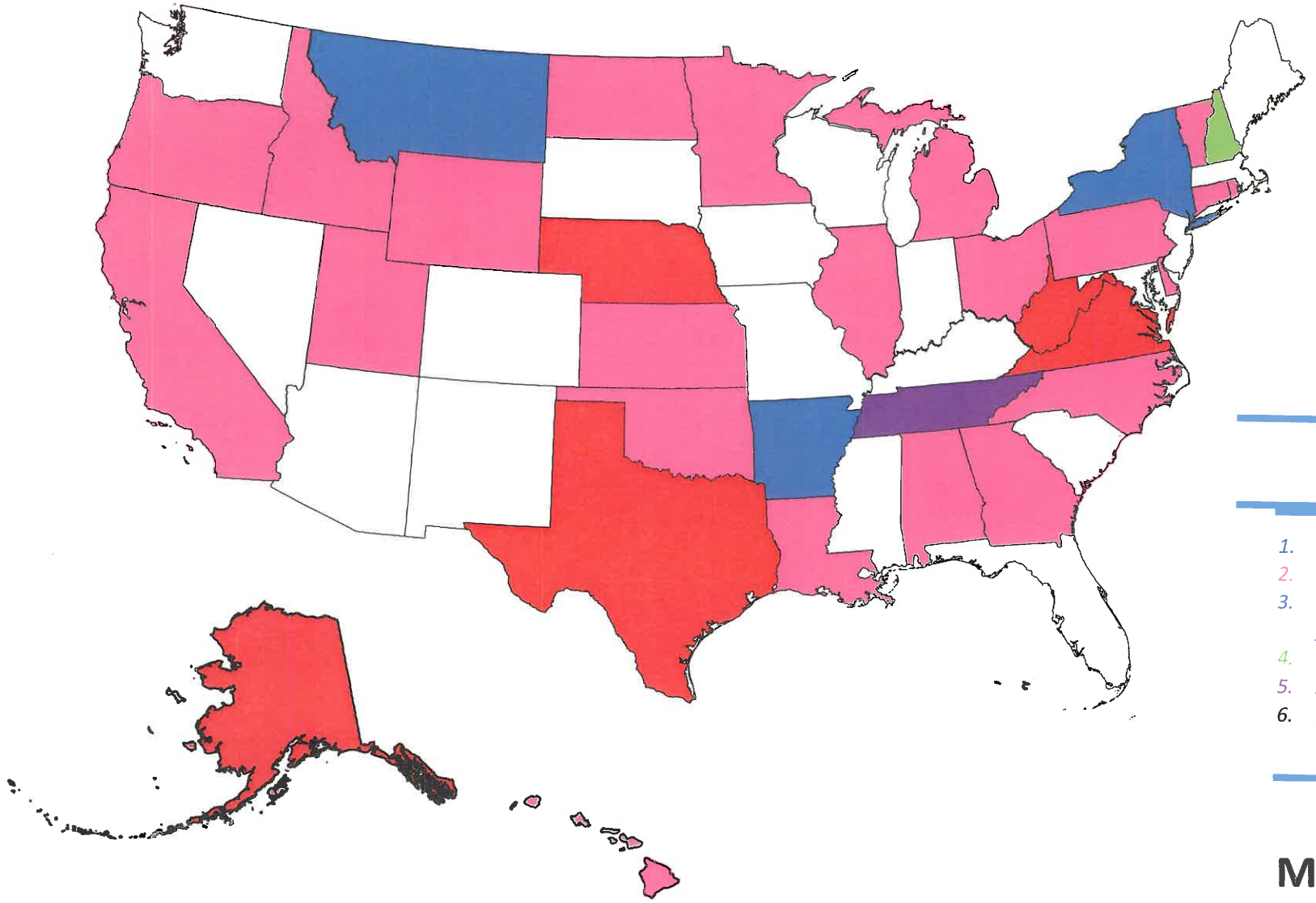
Guide

1. Reasonable or required of all similarly situated
2. Reasonable
3. Justified
4. Reasonable and Justified
5. Reasonable or technological
6. Reasonable or Health & Safety
7. Reasonable and justified or technological
8. Health and Safety or Technological
9. Can't offer incentive program to remodel
10. Can't condition other performance on remodel or alterations
11. Guarantee sufficient vehicles and justified by market conditions
12. Can't require substantial alterations
13. Substantial financial hardship
14. No Color – Statute does not address

Map 34

Section 16: (17) Manufacturer may not require joining/funding advertising association

AADA



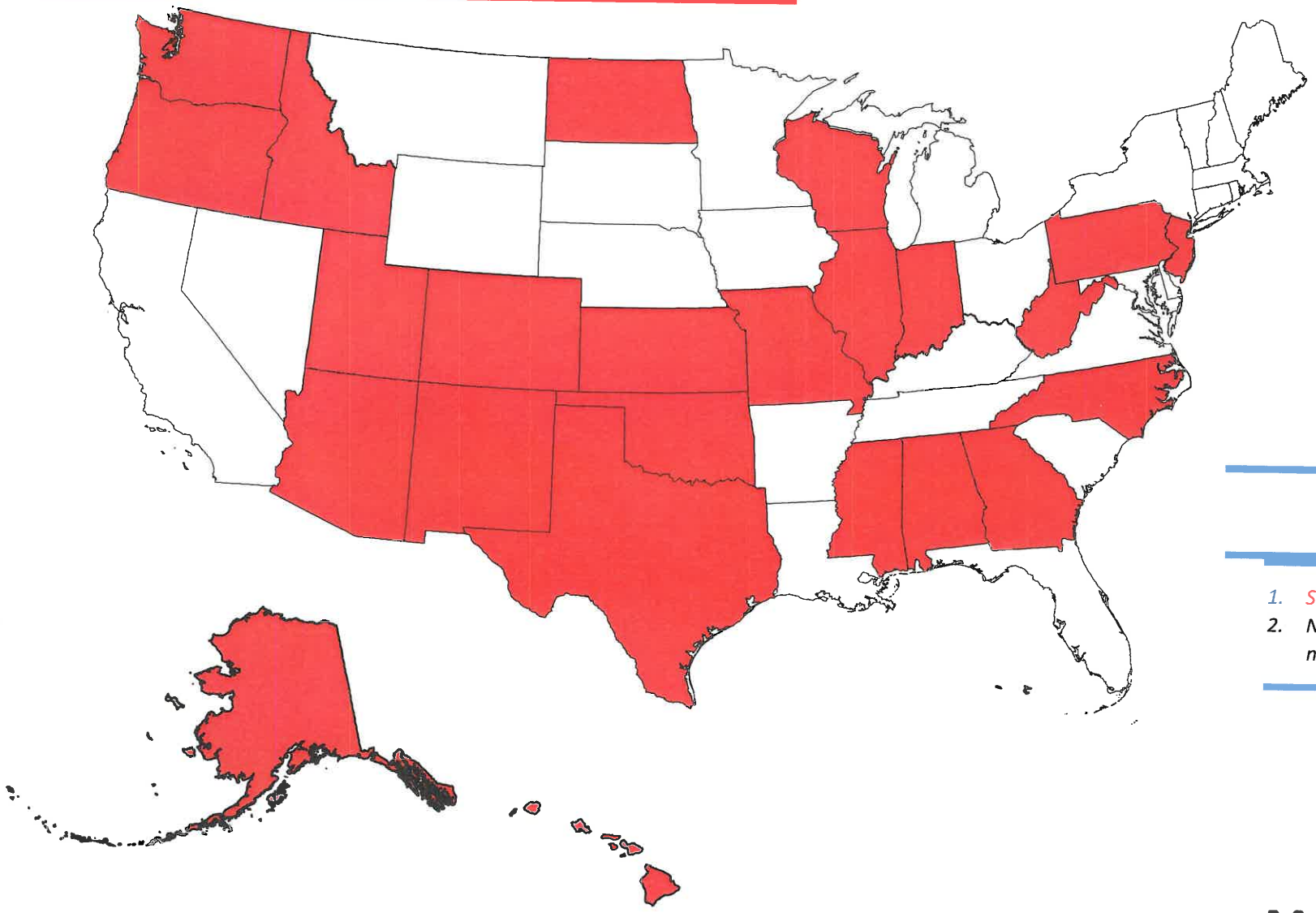
Guide

1. Advertising association
2. Advertising campaign
3. Advertising program or fund
4. Cost of advertising
5. Advertising plan
6. No Color – Statute does not address

Map 35

Section 16: (19) Manufacturer may not condition action on site control agreement

AADA



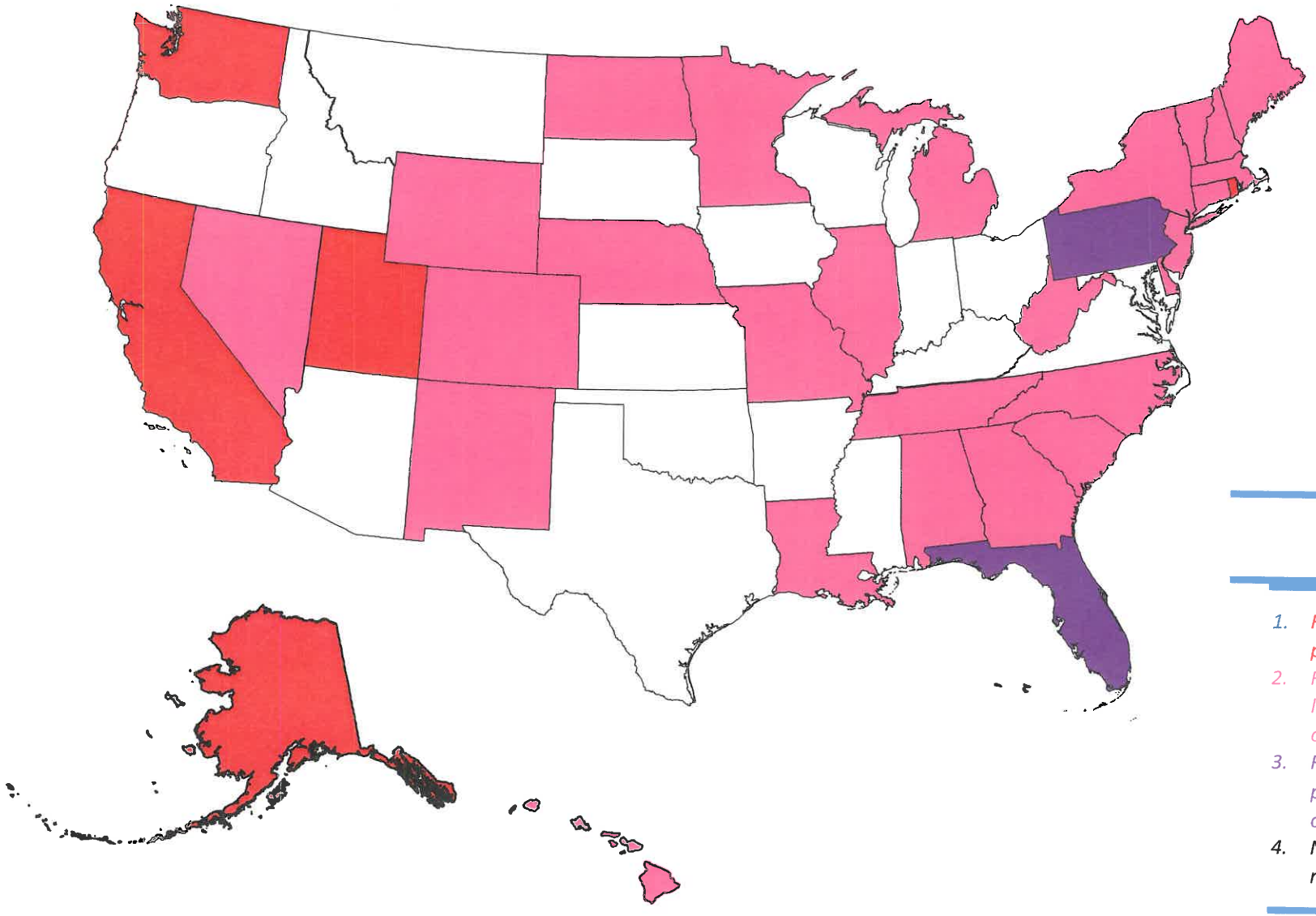
Guide

1. Substantially similar
2. No Color – Statute does not address

Map 36

Section 16: (20) Manufacturer may not require waiver of protest rights

AADA



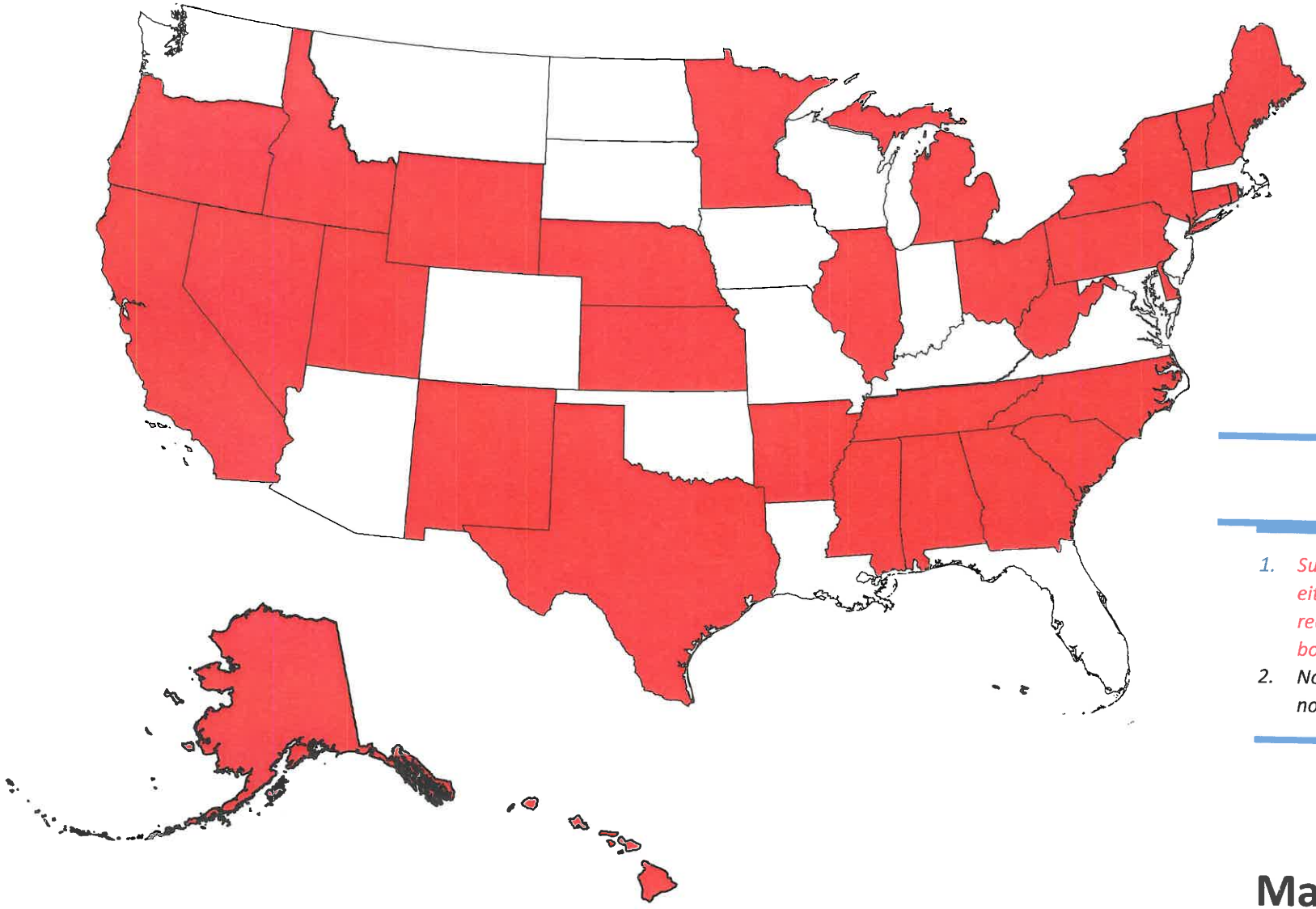
Guide

1. *Require waiver of protest rights*
2. *Require waiver of liability, release, or other legal rights*
3. *Require waiver of protest and/or waiver of liability.*
4. *No Color – Statute does not address*

Map 37

Section 16: (21) Manufacturer may not require or prevent changes in capital structure

AADA



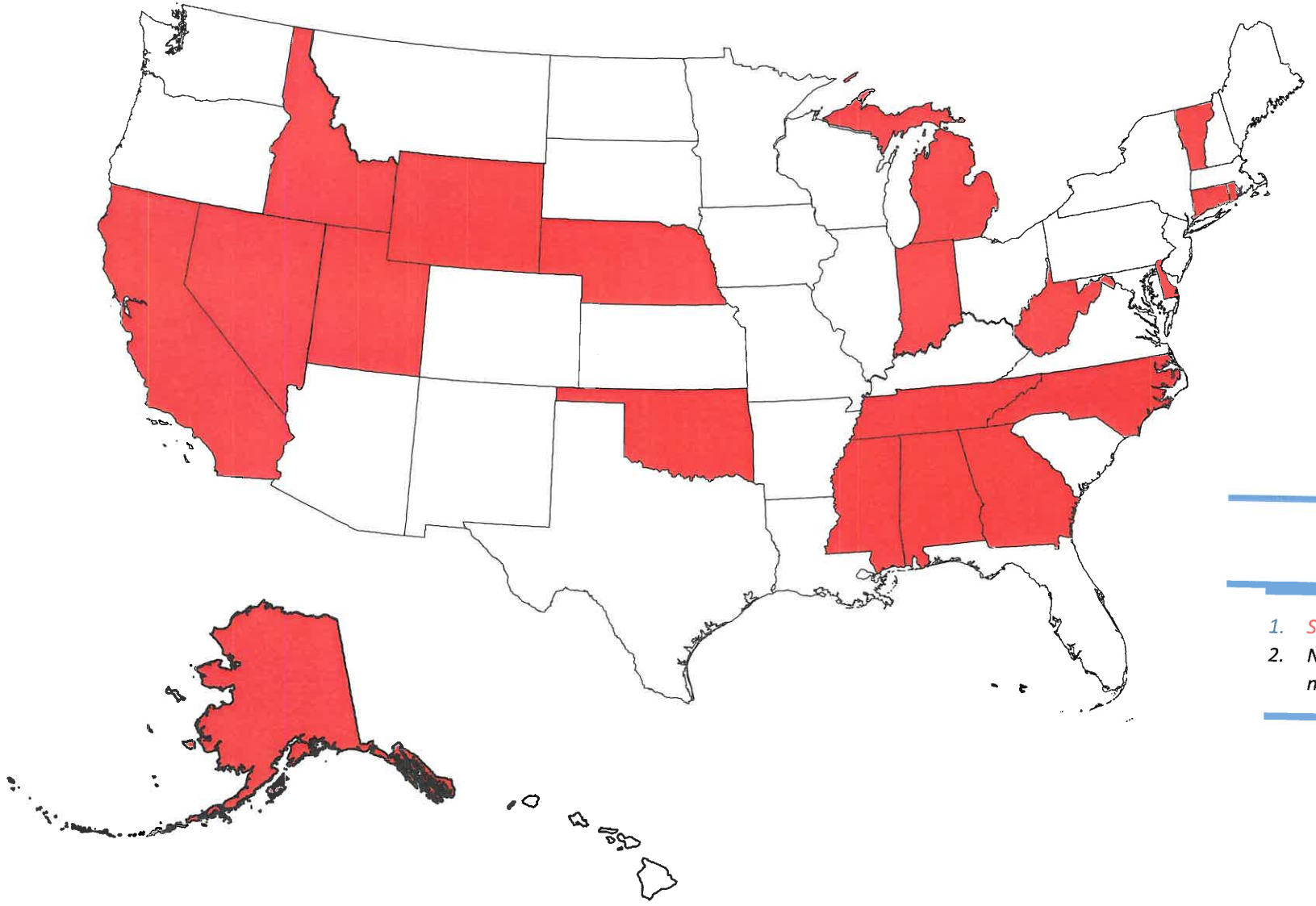
Guide

1. *Substantially similar – either prevent changes, require changes, or both*
2. *No Color – Statute does not address*

Map 38

Section 16: (22) Manufacturer may not raise price after order received

AADA



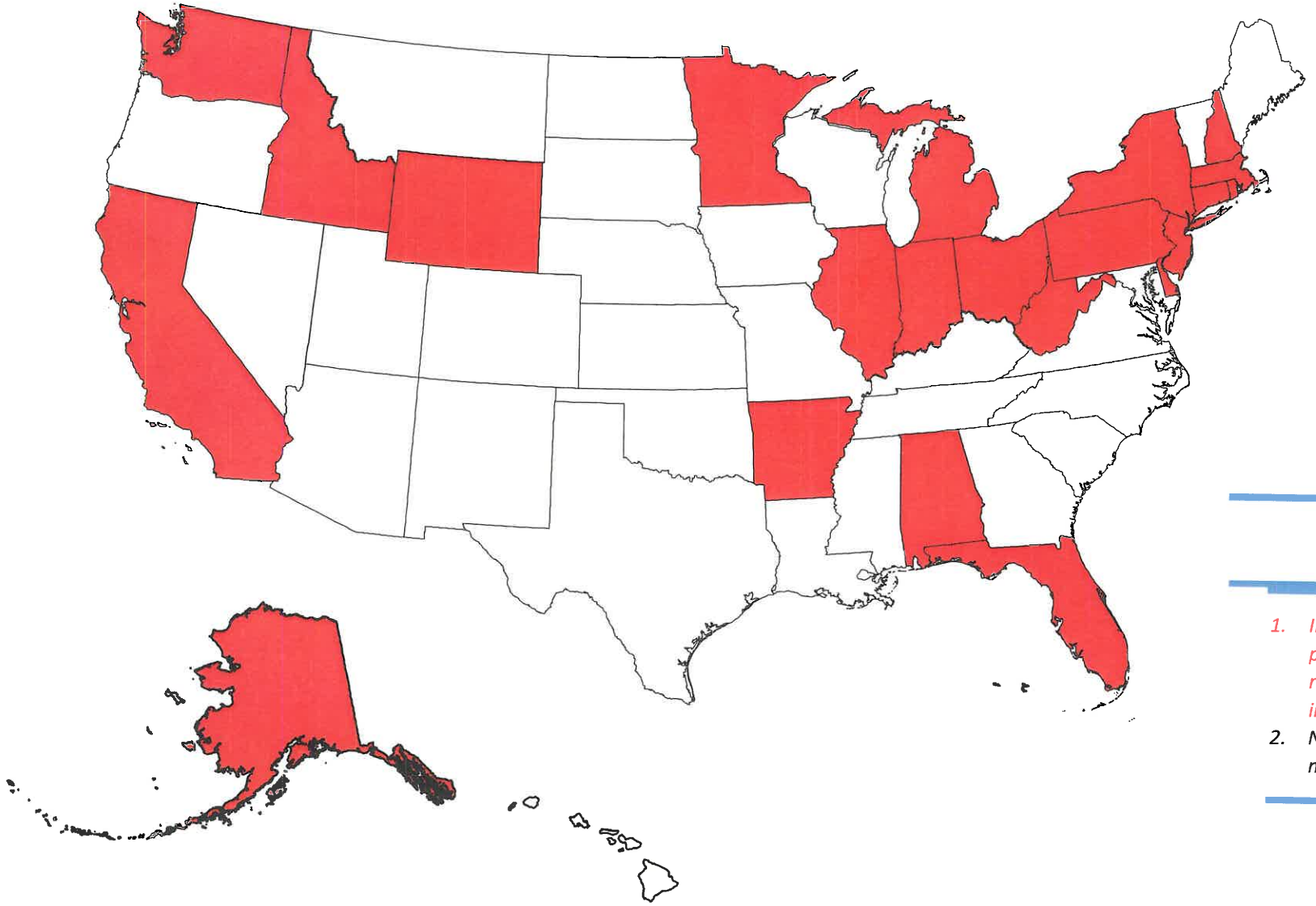
Guide

1. Substantially similar
2. No Color – Statute does not address

Map 39

Section 16: (24) Prohibit refusal to indemnify

AADA



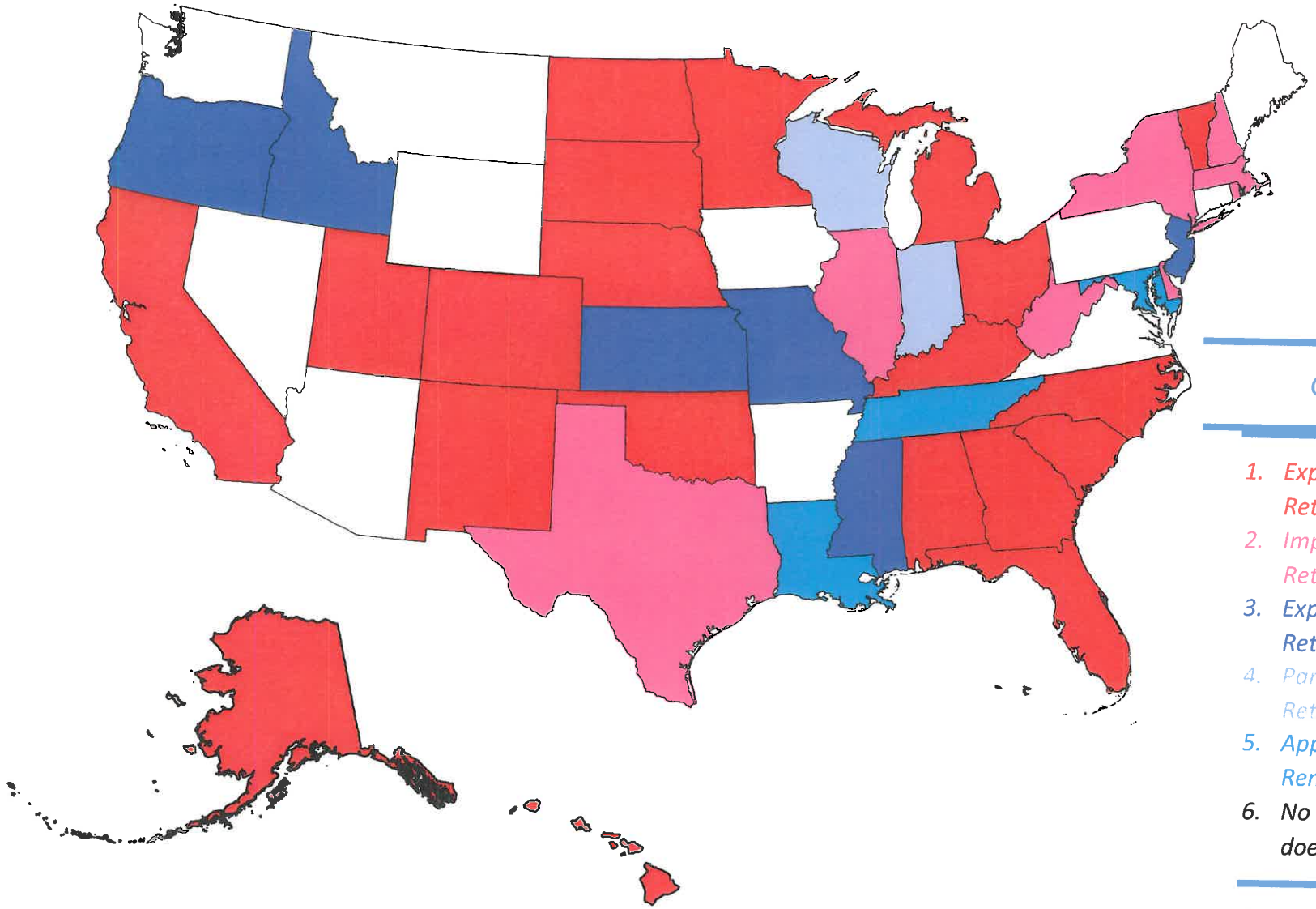
Guide

1. *Includes some kind of prohibition of or requirement to indemnify*
2. *No Color – Statute does not address*

Map 40

Section 20: Retroactivity

AADA



Guide

1. Explicit Retroactivity
2. Implied Retroactivity
3. Explicit No Retroactivity
4. Partial No Retroactivity
5. Applies with License Renewal
6. No Color – Statute does not address

Map 41