

### 323.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. "*Dealer*" means a person, other than an employee of a distributor or franchiser, who operates, maintains or conducts a place of business from which motor fuel or special fuel is sold or offered for sale at retail to the ultimate consumer, and who holds a license, issued as provided in chapter 214, for each pump and meter operated upon the retail premises.
2. "*Dealer franchise*" means an agreement or contract, either written or oral, between a franchiser and a dealer or between a distributor and a dealer when all of the following conditions are included:
  - a. A commercial relationship of definite duration or continuing indefinite duration is involved.
  - b. The dealer is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser or by the distributor.
  - c. The dealer's business is substantially reliant on the franchiser or distributor for the continued supply of motor fuel or special fuel.
3. "*Department*" means the department of inspections and appeals.
4. "*Distributor*" means distributor as defined in section 452A.2.
5. "*Distributor franchise*" means a written agreement or contract, either written or oral, between a franchiser and a distributor when all of the following conditions are included:
  - a. A commercial relationship of definite duration or continuing indefinite duration is involved.
  - b. The distributor is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser.
  - c. The distributor, as an independent business, constitutes a component of the franchiser's distribution system.
  - d. The distributor's business, or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially reliant on the franchiser for the continued supply of motor fuel or special fuel.
  - e. The distributor's business or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially associated with the franchiser's trademark, service mark, trade name, advertising or other commercial symbol designating the franchiser.
6. "*Franchiser*" means a person who is engaged in the importation, refining or distribution of motor fuel or special fuel and who has entered into a distributor franchise or a dealer franchise.
7. "*Motor fuel*" means motor fuel as defined in chapter 452A.
8. "*Retail premises*" means real estate either owned or leased by the dealer and used primarily for the sale at retail to the ultimate consumer of motor fuel or special fuel.
9. "*Retaliatory action*" means action contrary to the purpose or intent of this chapter and may include a refusal to continue to sell or lease, a reduction in the quality or quantity of services or products customarily available for sale or lease, a violation of privacy, or an inducement of others to retaliate.

10. "*Special fuel*" means special fuel as defined in chapter 452A.

[C75, 77, 79, 81, § 323.1]

88 Acts, ch 1158, § 68; 95 Acts, ch 155, §1; 96 Acts, ch 1034, § 28