

**523H.11 Repurchase of assets.**

A franchisor shall not prohibit a franchisee from, or enforce a prohibition against a franchisee, engaging in any lawful business at any location after a termination or refusal to renew by a franchisor, unless it is one which relies on a substantially similar marketing program as the terminated or nonrenewed franchise or unless the franchisor offers in writing no later than ten business days before expiration of the franchise to purchase the assets of the franchised business for its fair market value as a going concern. The value of the assets shall not include the goodwill of the business attributable to the trademark licensed to the franchisee in the franchise agreement. The offer may be conditioned upon the ascertainment of a fair market value by an impartial appraiser. [This section](#) does not apply to assets of the franchised business which the franchisee did not purchase from the franchisor, or the agent of the franchisor.

[92 Acts, ch 1134, §11](#); [95 Acts, ch 117, §6](#)