

322C.21 Civil action — mediation.

1. A dealer, manufacturer, distributor, or warrantor injured by another party's violation of [this chapter](#) may bring a civil action in district court to recover actual damages resulting from the violation. The court shall award reasonable attorney fees and costs to the prevailing party in such an action. Venue for a civil action authorized by [this section](#) shall be exclusively in the county in which the dealer's business is located. In an action involving more than one dealer, venue may be in any county in which any dealer that is a party to the action is located.

2. *a.* Prior to bringing a civil action under [this section](#), the party alleging a violation of [this chapter](#) shall serve a written demand for mediation upon the alleged offending party.

b. The demand for mediation shall be served upon the alleged offending party via certified mail at the address stated in the manufacturer-dealer agreement between the parties, if applicable.

c. The demand for mediation shall contain a statement of the dispute or violation alleged and the relief sought by the party serving the demand.

d. Within twenty days after service of a demand for mediation, the parties shall mutually select an independent certified mediator and shall meet with the mediator for the purpose of attempting to resolve the dispute or alleged violation. The meeting place for the mediation shall be in this state at a location selected by the mediator. The mediator may extend the date before which the parties are required to have the meeting for good cause shown by either party or upon a stipulation by both parties.

e. The service of a demand for mediation under [this section](#) shall toll the period during which a party is required to file any complaint, petition, protest, or other action under [this chapter](#) until representatives of both parties have met with the mutually agreed-upon mediator for the purpose of attempting to resolve the dispute or alleged violation. If a complaint, petition, protest, or other action has been filed before the mediation meeting, the court shall enter an order suspending any proceeding or action relating to such complaint, petition, protest, or other action until the mediation meeting has occurred and may, upon written stipulation by all parties to the proceeding or action that the parties wish to continue mediation under [this section](#), enter an order suspending the proceeding or action for any period the court considers appropriate.

f. Each party to the mediation shall pay the party's own costs for attorney fees. The costs of the mediation services shall be allocated equally amongst the parties.

3. In addition to the remedies provided in [this section](#), and notwithstanding the existence of any remedy at law, a manufacturer, distributor, warrantor, or dealer may petition the district court for a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of [this chapter](#), or from failing or refusing to comply with the requirements of [this chapter](#). Such injunction shall be issued, upon a hearing and for cause shown, without bond. A single act in violation of [this chapter](#) shall be considered sufficient cause to authorize the issuance of an injunction pursuant to [this subsection](#).

2019 Acts, ch 67, §18, 20; 2020 Acts, ch 1063, §170, 171

Subsection 2, paragraph f amended
Subsection 3 amended