

SUMMARY OF STATE EQUIPMENT DEALER LAWS

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The chart below summarizes state statutes that protect various types of “equipment” dealers. The chart lists each state and indicates what items the statute covers.

Disclaimer: This chart is intended only to provide general information on the laws of the various states. This chart was prepared in January/August 2004 based upon information available.

State	Repurchase Upon Termination	Notice of Termination	Good Cause for Termination	Coverage
Alabama Ala Code §§8-21A-1, et seq.	Yes	Yes – 60 days; 6 months to cure	Yes*	Machines designed for or adapted and used for agriculture, horticulture, livestock, grazing, lawn and garden, and/or light industrial purposes. Lawn and garden dealers or light industrial dealers not primarily engaged in the farm equipment business are excluded.
Alaska (No applicable statute)				

* Good cause is also required for a substantial change in competitive circumstances.

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<p>Arizona</p> <p>Ariz. Rev. Stat. §44-6701, et seq.</p>	Yes	Yes – 90 days; 60 days to cure	Yes*	<p>“Equipment” means machines designed for or adapted and used for agriculture, livestock, grazing, light industrial and utility purposes. “Equipment” does not include earthmoving and heavy construction equipment, mining equipment, or forestry equipment.</p>
<p>Arkansas</p> <p>Ark Code §§4-72-301, et seq.</p> <p>Ark Code §§4-72-201, et seq.</p>	<p>Equipment dealer law – Yes</p> <p>Arkansas Franchise Practices Act – Yes</p>	<p>Equipment dealer law – No provision</p> <p>Arkansas Franchise Practices Act Yes – 90 days, 30 days to cure</p>	<p>Equipment dealer law – No provision</p> <p>Arkansas Franchise Practices Act – Yes</p>	<p>“Inventory” means farm implements, machinery, utility and industrial equipment, lawn and garden outdoor powered machinery and equipment, attachments, and repair parts.</p> <p>Applies generally to all dealers with a fixed place of business in Arkansas.</p>
<p>California</p> <p>Cal. Business and Prof. Code §§22901, et seq.</p>	Yes	Yes – 90 days, 60 days to cure	Yes*	<p>“Equipment” means machines designed for or adapted and used for agriculture, livestock, grazing, light industrial, and utility, as those terms are customarily used in the industry.</p>
<p>Colorado</p> <p>Colo. Rev. Stat. §§35-38-101, et seq.</p>	Yes	Yes – 180 days, 180 days to cure	Yes*	<p>“Equipment” means a machine designed for or adapted and used for agriculture, livestock, grazing, light industrial, utility, and outdoor power equipment. “Equipment” does not include earthmoving and heavy construction equipment, mining equipment, or forestry equipment.</p>

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<p>Connecticut</p> <p>Conn. Gen. Stat. §42-345, et seq.</p>	<p>Equipment dealer law -- Yes</p>	<p>Equipment dealer law – Yes, 120 days</p>	<p>Yes</p>	<p>“Dealer” means a person primarily engaged in the business of the retail sale of farm and utility tractors, forestry equipment, light industrial or construction equipment, farm implements, farm machinery, yard and garden equipment, and attachments, accessories, and repair parts for such items, but it does not include a single-line dealer primarily engaged in the retail sale and service of industrial, forestry and construction equipment.</p>
<p>Conn. Gen. Stat. §42-133(e), et seq.</p>	<p>General franchise law – Yes</p>	<p>General franchise law – Yes, 60 days</p>	<p>General franchise law – Yes</p>	<p>Applies generally to many types of dealers in Connecticut</p>
<p>Delaware</p>	<p>Yes</p>	<p>Yes, 6 months</p>	<p>No provision</p>	<p>“Inventory” means the tractors, implements, attachments, equipment and repair parts that the dealer purchased from the supplier. “Dealer” means a person, firm or corporation engaged in the business of selling, at retail, construction, farm, industrial or outdoor power equipment and who maintains a total inventory of new equipment and repair parts valued at \$50,000 or over and provides repair service for the above-mentioned equipment.</p>

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<p>Florida</p> <p>Fla. Stat. Ann. §686.40, et seq.</p> <p>(See, also, Fla. Stat. Ann. §686.601, et seq. (relating to outdoor power equipment with same provisions))</p>	Yes	Yes, 90 days	Yes	<p>“Franchisee” means a tractor or farm equipment dealer to whom a franchise is offered or granted. “Tractor” means a vehicle that is operated principally upon a farm, grove or orchard in connection with agricultural or horticultural pursuits. “Farm equipment” means those farm implements which are primarily designed for use in agriculture. “Outdoor power equipment” means two-cycle and four-cycle gas, diesel, and electric engines and any other type of equipment used to maintain commercial, public, and residential lawns and gardens or used in landscape, turf, golf course, green nursery, or forestry or tree maintenance.</p>

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<p>Georgia</p> <p>Ga. Code Ann. §13-8-11, et seq.</p> <p>Ga. Code Ann. §§10-1-731</p>	<p>Farm equipment dealer law – Yes</p> <p>Multi-line heavy equipment dealer law – No provision</p>	<p>Farm equipment dealer law; Yes – 60 days</p> <p>Multi-line heavy equipment dealer law – Yes, 120 days, 75 days to cure</p>	<p>Farm equipment dealer law – Yes</p> <p>Multi-line heavy equipment dealer law - Yes</p>	<p>“Franchisee” means a tractor and farm equipment dealer to whom a franchise is offered or granted. “Tractors or farm equipment” means those tractors and other farm implements primarily designed for use in agriculture.</p> <p>“Heavy equipment” means self-propelled, self-powered, or pull-type equipment and machinery, including diesel engines, weighing 5,000 pounds or more and primarily employed for construction, industrial, maritime, mining, or forestry uses. The term heavy equipment shall not include a) motor vehicles requiring registration and certificates of title; b) farm machinery, equipment, and implements; or c) equipment that is consumer goods within the meaning of Code Section 11-9-109.</p>
<p>Hawaii</p> <p>(No applicable statute)</p>				

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<p>Idaho</p> <p>Idaho Code §28-24-101, et seq.</p>	<p>Yes (limited to farm implements. See 28-23-101)</p>	<p>Yes, 90 days, 60 days to cure</p>	<p>Yes</p>	<p>For the purposes of this act, “farm implements” means every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or used upon the highways and all other consumer products supplied by the wholesaler, manufacturer or distributor of farm implements, machinery, attachments or repair parts to the retailer pursuant to a written contract, sales agreement or security agreement. “Equipment” means machines designed for or adapted and used for agriculture, horticulture, livestock and grazing.</p>
<p>Illinois</p> <p>[NB: A manufacturer subject to the equipment fair dealership law is <u>not</u> subject to the Illinois Franchise Disclosure Act.]</p> <p>815 Ill. Stat. 715/1, et seq.</p>	<p>Yes</p>	<p>No provision</p>	<p>No provision</p>	<p>“Inventory” shall mean farm implements, farm machinery, attachments, accessories and repair parts, outdoor power equipment, construction equipment, industrial equipment, attachments, accessories and repair parts.</p>

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Indiana Ind. Code §15-7-7-1, et seq.	Yes	No provision	No provision	As used in this chapter, “farm or industrial machinery” means (1) farm implements; (2) tractors; (3) farm machinery; (4) utility and industrial equipment; (5) construction machinery, including track and wheel tractors, motor graders, and excavators; or (6) attachments or repair parts for one or machines referred to in subdivisions (1) through (5).
Iowa Iowa Code §322F., et seq.	Yes	Yes; 90 days, 60 days to cure	Yes*	“Equipment” means agricultural equipment, construction equipment, industrial equipment, utility equipment, or outdoor power equipment. Equipment also includes attachments to equipment and all-terrain vehicles, as defined in section 321G.1. Equipment does not include self-propelled machines designed primarily for the transportation of persons or property on a street or highway.

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Louisiana La Rev. Stat. §§51:481, et seq.	Yes	Yes, 90 days, 60 days to cure	Yes*	“Farm equipment,” “construction equipment,” “heavy industrial equipment,” “material handling equipment,” “utility equipment” and “lawn and garden equipment” shall include every vehicle designed or adapted and used exclusively for agricultural, construction, industrial material handling, utility or lawn and garden operations, although incidentally operated or used upon the highways.
Maine Maine Rev. Stat. Title 10, §§1285, et seq. Maine Rev. Stat. Ann. Title 10, §§1361, et seq.	Farm equipment dealer law; Yes Power equipment franchise law; No provision	Farm equipment dealer law -- Yes, 90 days Power equipment franchise law – Yes. [In writing with statement of reasons and the effective date of termination.]	Farm equipment dealer law – No provision Power equipment franchise law – Yes	“Inventory” means farm, utility or industrial equipment, implements, machinery, yard and garden equipment, attachments or repair parts. These terms do not include heavy construction equipment. “Goods” means residential, recreational, agricultural, farm, commercial or business equipment, machinery or appliances that use electricity, gas, wood, a petroleum product or a derivative of a petroleum product for operation.
Maryland Md. Code. Ann. Comm. Law §§19-101, et seq.	Yes	Yes; 180 days	No provision	“Dealer” means a person (1) engaged in the business of selling, at retail, construction, farm, industrial, or outdoor power equipment, (2) maintaining a total inventory, valued at over \$50,000 of new equipment and repair parts and (3) providing repair service for the equipment sold.

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Massachusetts Mass. Gen. Laws, Ch. 93G, §§1, et seq.	Yes	Yes; 120 days	Yes	“Inventory” means farm, utility, forestry, or light industrial equipment, implements, machinery, yard and garden equipment, attachments or repair parts; provided, however, that inventory shall not include heavy construction equipment.
Michigan Mich. Comp. Laws §§445.1451, et seq.	Yes	Yes; 90 days, 90 days to cure	Yes*	“Equipment” means motorized machines designed for or adapted and used for agriculture, horticulture, livestock raising, forestry, grounds maintenance, lawn and garden, construction materials handling, and earth moving.

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Mississippi Miss. Code Ann. §75-77-1, et seq.	Yes	Yes; 90 days, 60 days to cure.	Yes*	“Retailer” means a person engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, outdoor power equipment, attachments or repair parts, and does not include retailers of petroleum products.
Missouri Mo. Rev. Stat. §407.838, et seq. Mo. Rev. Stat. §407.750, et seq.	Farm Equipment dealer law – Yes [See, §407.855] Industrial maintenance and construction power equipment law; Yes	Farm equipment dealer law – Yes; 90 days, 60 days to cure. Industrial maintenance and construction power equipment law – Yes; 90 days, 60 days to cure	Farm equipment dealer law; Yes* Industrial maintenance and construction power equipment law – Yes	“Farm equipment” [is] equipment including, but not limited to tractors, trailers, combines, tillage implements, bailers and other equipment including attachments and repair parts thereof used in the planting, cultivating, irrigation, harvesting and marketing of agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway. Industrial, maintenance and construction power equipment used for industrial, maintenance or construction applications

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<p>Montana</p> <p>Mont. Code Ann. §30-11-701, et seq.</p> <p>Mont. Code Ann. §30-11-901, et seq.</p>	<p>Farm implement dealer law – Yes [See §30-11-702(1)]</p> <p>Construction equipment dealer law – Yes [See §30-11-702(1)]</p>	<p>Farm implement dealer law – Yes, 90 days; 60 days to cure</p> <p>Yes; 90 days, 60 days to cure</p>	<p>Yes*</p> <p>Yes*</p>	<p>“Farm implement” means any vehicle, machine, or attachment designed or adapted and used exclusively for agricultural operations and only incidentally operated or used on the highways.</p> <p>“Construction Equipment” means any vehicle, machine or attachment designed or adapted and used in construction, heavy construction, highway construction, and remodeling work.</p>
<p>Nebraska</p> <p>Neb. Rev. Stat. §69-1501, et seq.</p>	<p>Yes</p>	<p>Yes; 90 days, 60 days to cure</p>	<p>Yes* [If “Good Cause” exists, then notice provisions inapplicable]</p>	<p>“Equipment” shall mean any machine designed for or adapted and used for agricultural, horticultural, livestock, grazing, forestry, or industrial purposes.</p>
<p>Nevada</p> <p>[No applicable statute]</p>				
<p>New Hampshire</p> <p>N.H. Rev. Stat. §§347-A:1</p>	<p>Yes</p>	<p>Yes, 120 days</p>	<p>Yes</p>	<p>“Inventory” means farm, utility, forestry, or light industrial equipment, implements, machinery, yard, and garden equipment, attachments or repair arts. This term does not include heavy construction equipment.</p>

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New Jersey	Franchise Practices Act – No provision	Franchise Practices Act -- Yes, 60 days	Franchise Practices Act -- Yes	“Franchise” means a written arrangement for a definite or indefinite period, in which a person grants to another person a license to use a tradename, trade mark, service mark or related characteristics and in which there is a community of interest in the marketing of the goods or services at wholesale, retail, by lease, agreement, or otherwise and where the “franchisee” is required to establish or maintain a place of business within the State of New Jersey and where the gross sales of products from the franchisor have exceeded \$35,000 for the twelve (12) months next proceeding the institution of suit or where more than twenty (20%) percent of the franchisee’s gross sales are intended to or are derived from such franchise.
New Mexico §§ 57-23-1 et seq.	Yes	No provision	No provision	“Inventory” means new or unused farm tractors, farm implements, utility tractors, industrial tractors, attachments and repair parts that are provided by a supplier to a dealer under a franchise agreement and that were purchased within thirty-six months of the termination of the franchise or were listed in the supplier’s current sales manual at the time of termination.

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New York N.Y. Gen. Bus. Law §696-A et seq.	Yes	Yes, 90 days	Yes	“Farm equipment” means vehicles and machinery and the accessories and parts thereto which are designed to be used for farm and agricultural purposes.
North Carolina N.C. Gen. Stat. §§ 66-180 et seq.	Yes	Yes, 90 days, 60 days to cure	Yes*	“Dealer” means a person engaged in the business of selling at retail farm, construction, utility or industrial, equipment, implements, machinery, attachments, outdoor power equipment, or repair parts.
North Dakota N.D. Cent. Code §51-07-01 et seq. North Dakota N.D. Cent. Code §51-20.1-01	Farm implement due to statute -- Yes Heavy construction equipment dealer law -- Yes	Farm implement due to statute – No provision Heavy construction equipment dealer law – No provision	Farm implement dealer statute – Yes* Heavy construction equipment dealer law - - Yes	Farm implements and repair parts. Heavy construction equipment means self-propelled or pull-type construction machinery, and accessories therefore, primarily used in projects requiring paving, earthmoving, or bridge, road, highway, and commercial building construction.

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Ohio Ohio Rev. Code §§1`353.01 et seq.	Yes	Yes, 180 days	Yes*	<p>“Inventory” means farm machinery or construction equipment held by a dealer for sale or lease and also means any data processing hardware that the supplier requires the dealer to purchase.</p> <p>“Construction equipment” means construction equipment and the attachments special service tools, or repair parts for such equipment together with mobile, motorized utility maintenance equipment used in construction or road maintenance.</p>
Oklahoma Okla. Stat. Title 15 §§ 245 et seq.	Yes	No provision	Yes*	<p>“Inventory” means farm tractors, farm implements, utility and industrial tractors, outdoor power and lawn and garden equipment sold by retailers as defined herein, and the attachments and repair parts thereto.</p>
Oregon Or. Rev. Stat. §646.415 et seq.	Yes	Yes, 90 days, 60 days to cure	Yes	<p>“Farm implements” means: (a) any vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or used upon the highways; and (b) all other consumer products for agricultural purposes, including lawn and garden equipment powered by an engine, supplied by the supplier to the retailer pursuant to a retailer agreement.</p> <p>“Inventory” means farm implements, machinery, attachments, and repair parts.</p>

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Pennsylvania Pa. Stat. Ann. Title 73 §§205-1 et seq.	Yes	Yes, 90 days, 60 days to cure	Yes	“Equipment” [means] machines designed for or adapted and used for agriculture, horticulture, floriculture, livestock raising, silviculture, landscaping and grounds maintenance, even though incidentally operated or used upon the highways, including, but not limited to, tractors, farm implements, loaders, backhoes, lawn mowers, rototillers, etc., and any business signs purchased by requirement of the supplier which are less than five years old. The term shall not include: (1) equipment manufactured solely for the purpose of industrial construction; or (2) all-terrain vehicles as defined in 75 Pa. C.S. §7702.
Rhode Island R.I. Gen. Laws §6-46-1 et seq.	Yes	Yes, 120 days	Yes	“Inventory” means farm, utility, forestry, industrial or construction equipment, implements, machinery, yard and garden equipment, attachments or repair parts.

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South Carolina S.C. Code Ann. §§39-59-10 et seq.	Yes	No provision	No provision	“Inventory” means farm implements, machinery, utility and industrial, and yard and garden equipment, attachments, or repair parts.
South Dakota S.D. Codified Laws §§37-5-1	Yes	No provision	Yes**	Farm implements or machinery and repair parts for farm and implements or machinery, or industrial and construction equipment and repair parts, or office furniture, equipment, and supplies, or automobiles, trucks, or motorcycles, or repair parts for automobiles, trucks, or motorcycles.
Tennessee Tenn. Code Ann. §§47-25-1301	Yes	Yes, 90 days, 60 days to cure	Yes*	“Retailer” means a person engaged in the business of selling and retailing farm implements and machinery, construction, utility and industrial equipment, outdoor power equipment, attachments and repair parts.

* * The South Dakota dealer law does not expressly use the term “cause.” Instead, the statute prohibits unfair cancellation which is defined as cancellation without due regard to the equities and without just provocation.

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Texas Tex. Bus. Com. Code §§19.01 et seq.	Yes	No provision	Yes*	“Equipment” means farm tractors, farm implements, utility tractors, industrial tractors, forklifts, material-handling equipment, off-road construction equipment, and outdoor power equipment and the attachments or repair parts for those items.
Utah Uah Code Ann. §13-14a-1 et seq.	Yes	No provision	No provision	“Wholegoods” or “wholegoods inventory” means assembled or complete units of farm implements, machinery, utility and light industrial equipment, and yard and garden equipment and includes assembled or complete attachments. Parts inventory means repair parts held for resale and used to service farm implements, machinery, attachments, utility and light industrial equipment, and yard and garden equipment.
Vermont Vt. Stat. Ann. Title 9 §4071 et seq.	Yes	Yes, 120 days	Yes	“Inventory” means farm, utility, forestry, or industrial equipment, implements, machinery, yard and garden equipment, attachments, or repair parts. These terms do not include heavy construction equipment.

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<p>Virginia</p> <p>Va. Code Ann. §§1-352.1</p>	<p>Farm machinery dealer law – Yes</p>	<p>Farm machinery dealer law – Yes, 90 days, 60 days to cure</p>	<p>Farm machinery dealer law – Yes*</p>	<p>“Dealer” means a person engaged in the business of selling at retail farm, construction, utility or industrial equipment, implements, machinery, attachments, outdoor power equipment, or repair parts.</p>
<p>Va. Code Ann. §59-1-353 et seq.</p>	<p>Heavy equipment dealer law – No provision</p>	<p>Heavy equipment dealer law – Yes, 120 days, 75 days to cure</p>	<p>Heavy equipment dealer law -- Yes</p>	<p>“Heavy equipment” means self-propelled, self-powered or pull-type equipment and machinery, including engines, weighing 5000 pounds or more, primarily employed for construction, industrial, maritime, mining and forestry uses, as such terms are commonly used and understood as a usage of trade. The term “heavy equipment” shall not include (i) motor vehicles requiring registration and certificates of title in accordance with §46.2-600, (ii) farm machinery, equipment, and implements sold or leased pursuant to dealer agreements with suppliers subject to the provisions of Chapter 27 (§59.1-344 et seq.) of this title, or (iii) equipment that is “consumer goods” within the meaning of §8.9A-102.</p>

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Washington Wash. Rev. Code §§19.98.010 and 19.98.100 et seq.	Yes [Farm implements and machinery -- §19.98.010]	Yes, 90 days, 60 days to cure	Yes*	(9)(a) "Equipment" includes: (i) Farm equipment. Farm equipment includes but is not limited to tractors, trailers, combines, tillage implements, balers, and other equipment, including attachments and accessories that are used in the planting, cultivating, irrigation, harvesting, and marketing of agricultural, horticultural, or livestock products. (ii) Outdoor power equipment. Outdoor power equipment includes self-propelled equipment that is used to maintain commercial, public, or residential lawns and gardens or used in landscape, turf, or golf course maintenance.

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West Virginia W.Va. Code §§47-11F-1 et seq.	Yes	Yes, 6 months	No provision	“Dealer” means any person, firm, partnership, association, corporation or other business entity engaged in the business of selling, at retail, farm, construction, industrial or outdoor power equipment or any combination of the foregoing and who maintains a total inventory of new equipment and repair parts having an aggregate value of not less than twenty-five thousand dollars at current net price and who provides repair service for such equipment. “Inventory” means the tractors, implements, attachments, equipment, and repair parts that the dealer purchased from the supplier, including, but not limited to, any data processing hardware and software, special service tools, and business signs the supplier has required the dealer to purchase and maintain.
Wisconsin Wisconsin Fair Dealership Law, Wis. Stat. §135.01	Yes	[For nonfinancial defaults 90 days, 60 days to cure – for financial defaults 90 days, 10 days to cure]	Yes*	Applies generally to all dealers in the State of Wisconsin.
Wyoming Wyo. Stat. Ann. §40-20-101 et seq.	Yes	Yes, 180 days, 180 days to cure	Yes*	“Equipment” means a machine designed for or adopted and used for agriculture, livestock, grazing, light industrial, utility and outdoor power equipment. “Equipment” does not include earth moving and heavy construction equipment, mining equipment or forestry equipment.