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DIVISION 1. PERSONS [38 - 86] (*Heading of Division 1 amended by Stats. 1988, Ch. 160, Sec. 12.*)

PART 2.9. CALIFORNIA FAIR DEALERSHIP LAW [80 - 86] (*Part 2.9 added by Stats. 1980, Ch. 914, Sec. 1.*)

[80.](#) This part may be cited as the California Fair Dealership Law.

(*Added by Stats. 1980, Ch. 914, Sec. 1.*)

[81.](#) As used in this part:

- (a) "Person" means a natural person, partnership, joint venture, corporation, limited liability company, or other entity.
- (b) "Dealership" means a contract or agreement, either express or implied, whether oral or written, between two or more persons, by which a person is granted the right to sell or distribute goods or services, or to use a trade name, trademark, service mark, logotype, or advertising or other commercial symbol, in which there is a community of interest in the business of offering, selling, or distributing goods or services at wholesale, or at retail, by lease, agreement, or otherwise.
- (c) "Grantor" means a person who sells, leases, or otherwise transfers a dealership.
- (d) "Community of interest" means a continuing financial interest between the grantor and grantee in either the operation of the dealership or the marketing of goods or services.
- (e) "Dealer" means a person who is a grantee of a dealership situated in this state.
- (f) "Grant" means a sale, lease, or transfer of any kind.

(*Amended by Stats. 1994, Ch. 1010, Sec. 29. Effective January 1, 1995.*)

[82.](#) This part shall be liberally construed and applied to promote its underlying purposes and policies, which are as follows:

- (a) The prohibition of discrimination based upon any characteristic listed or defined in subdivision (b) or (e) of Section 51 in the granting, sale, transfer, bequest, termination, and nonrenewal of dealerships.
- (b) The requirements of this part shall not be varied by contract or agreement and any portion of a contract or agreement purporting to do so is void and unenforceable.

(*Amended by Stats. 2007, Ch. 568, Sec. 10. Effective January 1, 2008.*)

[83.](#) On or after January 1, 1981, no grantor, directly or indirectly, shall refuse to grant a dealership to any person because of any characteristic listed or defined in subdivision (b) or (e) of Section 51.

(*Amended by Stats. 2007, Ch. 568, Sec. 11. Effective January 1, 2008.*)

[84.](#) On or after January 1, 1981, no grantor, directly or indirectly, may terminate, cancel, or refuse to renew a dealership agreement with a dealer because of any characteristic listed or defined in subdivision (b) or (e) of Section 51.

(*Amended by Stats. 2007, Ch. 568, Sec. 12. Effective January 1, 2008.*)

[85.](#) On or after January 1, 1981, no grantor or dealer, directly or indirectly, shall refuse to make or to consent to an assignment, sale, transfer, or bequest of a dealership to any person, or to the intestate succession to the dealership by any person, because of any characteristic listed or defined in subdivision (b) or (e) of Section 51. This section shall not be construed to create any right in a dealer to assign, sell, transfer, or bequeath a dealership where the right did not exist prior to January 1, 1981.

(*Amended by Stats. 2007, Ch. 568, Sec. 13. Effective January 1, 2008.*)

86. The prevailing party in any action based on a violation of the provisions of this part shall be entitled to recover reasonable attorney's fees and taxable court costs.

(Added by Stats. 1980, Ch. 914, Sec. 1.)