§ 469. Private actions. 1. A franchised motor vehicle dealer who is or may be aggrieved by a violation of this article shall be entitled to request an adjudicatory proceeding, as prescribed in section four hundred seventy-one-a of this article, or in lieu thereof, sue for, and have, injunctive relief and damages in any court of the state having jurisdiction over the parties. In any such judicial action or proceeding, the court may award necessary costs and disbursements plus a reasonable attorney's fee to any party.

2. Whenever a franchise provides for the use of arbitration to resolve a controversy arising out of or relating to such contract, arbitration may be used to settle such controversy only if after such controversy arises all parties to such controversy consent in writing to use arbitration to settle such controversy.