

CONSUMER'S NOTEBOOK

Lemon Law

What is the Lemon Law?

The Lemon Law states that a manufacturer has a legal duty to repair a new motor vehicle. A "lemon" is defined as a new motor vehicle (it does not include newly-leased or demonstrator vehicles, motorcycles, RVs, or mobile homes) that has a defect which substantially impairs the use and/or market value of the vehicle -- this does not include defects caused by consumers abuse, neglect, or unauthorized modification of the vehicle.

In addition, a lemon automobile is one which does not conform to the express warranty and cannot be repaired after a reasonable number of attempts -- at least four repair visits to correct the same malfunction during the warranty period or within one year of delivery of the vehicle; or if the vehicle has been out of service for repair for a combined total of at least 90 days during the same period. If the defect still exists, the manufacturer shall replace the lemon with a new vehicle or give a full refund.

However, a buyer must first use the *free* mediation or arbitration procedures that the manufacturer has set up to deal with complaints. In mediation the manufacturer tries to satisfy the customer through a settlement. If the customer is not satisfied, the two parties will proceed to the second step, arbitration. Here an impartial third party will make a decision without the intervention of lawyers. Consumers should be prepared for arbitration procedures by keeping all receipts for car maintenance and repairs, letters from mechanics, and all maintenance records on the vehicle.

When purchasing a vehicle, keep these suggestions in mind:

TAKE TIME: Contact the Attorney General's Consumer Protection Section or the Better Business Bureau for information about dealerships and manufacturers.

ASK QUESTIONS: Research the vehicle you are considering buying. Check with sources such as *Consumer Reports* and *Consumer Digest*.

NETWORK WITH OTHER CONSUMERS: Talk to people who have driven or who own the same vehicle.

BE INFORMED: Read the warranty before you buy the vehicle and ask about the arbitration procedure.

AFTER YOU'VE PURCHASED: Try to resolve problems with the dealer. If you don't succeed, contact the manufacturer to address the problem. Meet with the manufacturer's representative to inspect the vehicle. Participate in the mediation/arbitration procedures. If all else fails, find an attorney and consider filing suit.