

US LEMON MOTOR VEHICLE LAWS: What You Need to Know to Protect Yourself

NACA Defending Servicemembers by Building an Army of Informed Consumers

The National Association of Consumer Advocates (NACA) is a non-profit association of attorneys and consumer advocates committed to representing consumers' interests. This Handout addresses avoiding carfraud in the car buying process.

- 1. Every state has a Lemon Law:** Every state now has its own motor vehicle Lemon Law, but each one is a little different from many others. Still, they usually require that you give the dealer a number of chances to fix any substantial defect and if the dealer fails then you have the right to get a replacement or your money back.
- 2. The vehicles that are usually covered by state Lemon Laws:** Most state Lemon Laws cover all passenger cars and light trucks and vans. A large number of states also cover motorcycles and the non-living portions of motorhomes and Rv's, but not the Oregon or Indiana state Lemon Laws. A few also cover ATV's.
- 3. What is the definition of a lemon motor vehicle?** Each state Lemon Law is a little different but a lemon vehicle is usually defined as one that has been in the repair shop 3 or 4 times for the same substantial problem or has been out of service for a total of 30 days or more within 2 years of the original sale. 15 states also have a "deadly defect" definition that often gives the dealer only 1 or 2 chances to fix a problem that is likely to cause serious injury or death. See what your state Lemon Law says at this link – www.USLemonLawLawyers.com
- 4. Do you have to notify the manufacturer yourself?** Usually, yes. Many state Lemon Laws require the consumer to directly notify the manufacturer if you think you have a lemon, before your lemon becomes "ripe" legally. That means you may have a lemon, but you can't do anything about it legally in most states until you send a written notice directly to the manufacturer, often by certified mail. A few state Lemon Laws say that giving informal notice to the authorized dealer is enough. Some require no notice at all.
- 5. The truth about "arbitration" of a Lemon Law claim:** Many state Lemon Laws require you to arbitrate your Lemon Law claim before filing a lawsuit, but only if the manufacturer has an arbitration process that complies with the Federal Lemon Law's arbitration standards. Many manufacturers don't comply and almost no motorhome builder complies. Some states have set up their own state-run arbitration process and where that exists, it may be your best bet for fairness. You may be able to handle the arbitration process yourself if you are thoroughly prepared or you can have a lawyer help you.
- 6. Who pays for your lawyer?** Most state Lemon Laws say that if you go to court and win your case, then the manufacturer has to pay your lawyer.
- 7. All state Lemon Laws are not created equal:** Most laws are good but some state Lemon Laws are actually so weak that you may be better off using the Federal Lemon Law instead. Colorado, Indiana, New Mexico and North Dakota Lemon Laws received low marks by consumer advocate groups. Every law is different.
- 8. How you start a Lemon Law claim:** Check your vehicle's warranty booklet, but most claims start with a simple letter to the manufacturer, saying what you bought, why you think it is a lemon, and what you want them to do for you. Enclose copies of your repair paperwork. Know your rights and be persistent. If you need help, see a local Lemon Law lawyer near you.

This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>. You may also locate and contact a NACA attorney in your area logging on to <http://naca.net/find-attorney>.