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LEMON LAW

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All 50 States, and the District of Columbia, have some form of Lemon Law or Auto Warranty Laws. These laws protect consumers who buy or lease a vehicle that doesn't operate properly or safely, even after repairs. These Laws hold manufacturers and dealerships accountable for defective vehicles.

The specifics of each State's Lemon Law vary, including which types of vehicles are covered. For example, some states only cover new vehicles, while others cover new, used, and leased vehicles. California's Lemon Law, known as the *Song-Beverly Consumer Warranty Act*, treats vehicles as consumer goods and provides some protections for them. However, it doesn't cover all the same things as regular passenger vehicles.

Lemon Laws can also include arbitration requirements, which require all parties to work together to find a resolution. Arbitration may also be written into the contract signed when the car was purchased.

In 27 States, the Lemon Laws protect RV motor home buyers, with seven of those States covering the entire vehicle, including living facilities; while ten of the States exclude or exempt facilities for cooking, sleeping, waste disposal, and more.

As you can imagine, it would be quite the task to detail each State's Lemon Laws, so we have provided over the next few pages some summarized laws (State & Federal) that give a good overview of Lemon Laws throughout the United States.

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GENERAL LEMON LAWS (FEDERAL):

There are Federal Lemon Laws that may help consumers who don't live in a state with a used-car Lemon Law or whose state laws do not apply to their specific situation:

- **Magnuson-Moss Warranty Act:** In this law, implied warranties cannot be disclaimed when a car offers an express written warranty. Additionally, it provides for the award of attorney fees in specific circumstances.

- **The Uniform Commercial Code (UCC):** Under the UCC, a used-car sale assumes a warranty that the vehicle is safe to drive. Used-car dealers, however, are generally allowed to disclaim implied warranties if the vehicle is sold "*as is*." When dealers are prohibited from disclaiming implied warranties, the UCC can be more effective than a lemon law on used cars.

- **The Federal Trade Commission's Used Car Rule:** Each used car listed for sale must include a Buyer's Guide, as the Federal Trade Commission (FTC) requires. In addition to the warranty information, it should include a list of the significant defects on used cars, including a breakdown of repair costs covered by the dealer's warranty and any other information that may be important to the buyer.

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GENERAL LEMON LAWS (STATE):

Lemon Laws are rooted in manufacturers breaching warranties. Typically, a manufacturer's warranty covers any repairs to consumer goods or vehicles. The warranty is a legal form of guarantee, just like the car bill of sale you get after the purchase. Lemon Laws impose these legal obligations on sellers, manufacturers, or both.

Vehicles not covered by warranty may also be subject to Lemon Laws. In particular, if the seller has not disclosed any important information to the buyer, such as previous damage to the vehicle.

A buyer who purchases a car in the "as is" condition does not lose their rights under state Lemon Laws. Besides automobiles and passenger cars, Lemon Laws apply to a wide range of products. Lemon Laws also apply to Boats, RVs, Motorcycles, and even wheelchairs.

Most State Laws define a Lemon as follows:

- The car has a substantial defect covered by the warranty that occurred within a specific time frame or mileage
- The problem is irreparable after three reasonable attempts to fix it.

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HOW LEMON LAWS DIFFER AMONG THE STATES:

Lemon laws vary from state to state based on four key factors:

- **Transaction type:** Some state Lemon Laws apply only to new vehicles, while others cover used and leased vehicles.
- **Vehicle type:** Most state lemon laws apply to vehicles purchased by individuals or households. Depending on the state, Boats, RVs, and Motorcycles may also be protected.
- **Duration of protection:** In most states, Lemon Laws only protect for a limited period. It is measured in miles or months, such as 12 months or 12,000 miles.
- **Seller's duty to repair:** There is a limit on how many attempts a manufacturer or seller can make to fix a defect under state lemon laws. The general rule of thumb is four attempts.

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LEMON LAWS FOR USED CARS BY STATE:

Depending on the State, some Lemon Laws exclude used vehicles, while others don't mention them. The various statutory guidelines of each state will determine a consumer's eligibility if a Lemon Law does not explicitly exclude used vehicles.

There are a variety of limitations to Lemon Laws for used cars in each state. Examples include:

- In some states, used vehicles must be purchased and registered in the same place.
- Some regulations apply only to dealership sales, others to both, and some to demonstrators and used vehicles.
- Used vehicle Lemon Laws refer to the original purchase date rather than the date of the used vehicle purchase in most states.
- For Lemon Law disputes, States have their deadlines determined by the age and mileage of the vehicle.
- Some States only address dealer or manufacturer issues within a specific period.

The states with lemon Laws for used cars include: Connecticut, California, Hawaii, Massachusetts, Minnesota, New Jersey, New Mexico, New York, and Rhode Island.

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