

LEMON LAW



JOINT BASE ANDREWS LAW CENTER

Current as of May 2016

If your new car spends more time in the repair shop than on the road, you probably have a lemon. The Lemon Law applies to the sale of all new cars, small trucks, motorcycles, and multipurpose vehicles in Maryland and Virginia. Maryland's Lemon Law does not apply to motor homes, but does cover leased vehicles. D.C.'s Lemon Law does not apply to motor homes, motorcycles, recreational vehicles, or buses.

The benefits of the Lemon Law are available if the vehicle that was purchased from a dealer was new or if it was transferred to another person during the vehicle's warranty period.

IS YOUR CAR A LEMON?

Your car may be a lemon if the following criteria are met:

- ***The vehicle is new.*** In Maryland and D.C., your vehicle must have been driven less than 18,000 miles and owned for less than 24 months. In Virginia, the lemon law rights period ends 18 months after original delivery of a new vehicle.
- ***The vehicle has a significant defect.*** The defect must substantially impair the use, market value, or safety of the vehicle.
- ***The defect is not the result of abuse, neglect, or unauthorized modifications.***
- ***The manufacturer or dealer was unable to repair the vehicle after a reasonable number of attempts.*** The "reasonable number of attempts" requirement varies by state. In Maryland, it means once for brake or steering failure and 4 times for any other defect. In Virginia and D.C., a "reasonable number of attempts" means once for a safety-related defect. For non-safety related defects, "reasonable number of attempts" means 3 times in Virginia and 4 times in D.C. In each jurisdiction, the "reasonable number of attempts" requirement is satisfied if the car is out of service for repair of defects for a total of 30 plus days.

HOW THE PROCESS WORKS

First, you must determine whether there is a breach of warranty for which a manufacturer is responsible. The starting point is reading the printed warranty in the manual or owners guide.

If there is a problem with a new car during the warranty period, the dealer or the manufacturer must be given an opportunity to repair the defect. Also, the consumer must, during the warranty period, send written notice of the defect to the manufacturer by certified mail along with a return receipt requested. The factory address can be found in the warranty section of the owner's manual. The manufacturer or dealer must correct the defect, at no charge to the consumer, within 30 days after receiving notice of the defect.

If the manufacturer does not agree to repurchase or replace your vehicle, you may file a lawsuit. Make sure you know what the statute of limitations is in your state. In Maryland, you must file your lawsuit within 3 years from the date the vehicle was delivered to you. D.C. extends this period to 4 years. In Virginia, the purchaser must file suit within the first 18 months after purchase. If repair attempts are being made, or the purchaser has unsuccessfully made a good faith effort to use informal dispute settlement provisions, this period is extended up to 12 more months.

Additional requirements may apply before you can file suit. For instance, a state may require the vehicle to be purchased or registered in the state, or it may mandate arbitration procedures.

REMEDIES

If the dealer or manufacturer is unable to repair the consumer's car after a reasonable number of attempts (as described above), the manufacturer is required to do one of two things:

- (1) Replace the car with a comparable vehicle that is acceptable to the consumer; or
- (2) Accept return of the car and refund the full purchase price, less a reasonable allowance for the use of the vehicle (varies by state).

There are other remedies available to a consumer under the Lemon Law. If the consumer cannot settle a dispute with the manufacturer outside of court, the court may require the manufacturer to pay part or all of the consumer's attorney's fees if the consumer prevails in court. If the court finds that the manufacturer has acted in bad faith in failing to fulfill its obligations under the Lemon Law, the manufacturer may be ordered to pay the consumer up to \$10,000, in addition to any other remedies ordered by the court. Furthermore, a violation of the Lemon Law by a car dealer or manufacturer is considered an "unfair and deceptive trade practice" and may subject the dealer or manufacturer to certain penalties under the state's consumer protection act.

Consumer Protection Division
Office of the Attorney General
200 St. Paul Place, 16th Floor
Baltimore, MD 21202
Telephone: (410) 528-8662

Motor Vehicle Administration
Licensing and Consumer Services, Room 53
6601 Ritchie Highway, N.E.
Glen Burnie, Maryland 21602
Telephone: (410) 768-7535

Consumer Protection Section
Office of the Attorney General
900 East Main Street
Richmond, VA 23219
Telephone: (800) 552-9963 (in VA)
(804) 786-2042 (in Richmond, or outside VA)

Department of Consumer and Regulatory Affairs
1100 4th Street SW
Washington, DC 20024
Telephone: (202) 442-4400

Office of the Attorney General
Consumer Protection
441 4th Street, NW
Washington, DC 20001
Telephone: (202) 727-3400

HELPFUL LINKS

Maryland:

<http://www.oag.state.md.us/consumer/lemon.htm>

Virginia:

<http://www.oag.state.va.us/index.php/citizen-resources/consumer-protection/>

Washington D.C.:

<http://www.dmv.org/washington-dc/automotive-law/lemon-law.php>

Further information on the Lemon Law may be obtained from: