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## Lemon Law Motor Vehicles

Imagine that your new car is giving you problems. You've taken it to the dealer several times, but the dealer can't fix the problem. Do you have to buy a new car? No. If you qualify for it, Virginia's motor vehicle "Lemon Law" allows the owner of a vehicle that is not working to get a replacement or a refund.

### DO I QUALIFY FOR THE LEMON LAW?

Under Virginia's Motor Vehicle Lemon Law, you have rights. But not everyone qualifies for these rights. Here are the requirements for the law:

1. The vehicle must be a new or used car, truck, van, motorcycle, moped, or motor home (if the motor home problem is with the chassis).
2. You must have the original warranty for the vehicle. (A warranty is a promise by a seller or manufacturer to stand behind a product).
3. The warranty must cover the problem. (Check your warranty statement for what your warranty covers).
4. You must report the problem during the warranty period. (Your warranty period is normally either a number of months, or a number of miles, whichever comes first. The warranty period is described in your warranty).
5. The problem must affect the drivability, use, value, or safety of your vehicle.
6. The dealer or manufacturer must have a reasonable number of tries to fix the problem.
7. The problem must still exist.
8. You have to take action under Virginia's Lemon Law within 18 months after the original delivery of the vehicle to the first buyer.

**THIS INFORMATION IS NOT LEGAL ADVICE**

*Leslie Dodson,, Esq., 217 East Third Street, Farmville, VA 23901, is responsible for the contents of this publication.*

## **WHAT IS A REASONABLE NUMBER OF TRIES?**

By law, this means one of three things:

- 1) the problem was not fixed after three tries,
- 2) the problem is a serious life-threatening problem that was not fixed after one try,
- 3) the vehicle is out of service for a combined 30 days, unless it couldn't be fixed due to things beyond the dealer's control.

## **WHAT SHOULD I DO IF MY PROBLEM IS COVERED BY THE LEMON LAW?**

To get a replacement vehicle or refund, you must write to the manufacturer. Your owner's manual has the manufacturer's address. Put the manufacturer's name and address in your letter, and your name and return address. In your letter, tell them the following things:

- Your vehicle's year, make, model, and vehicle identification number.
- The name and address of the dealer where you bought your vehicle.
- The date your vehicle was delivered to you.
- Each problem your vehicle had.
- The dates the dealer tried to fix each problem.
- Each problem your vehicle still has.
- Whether you want to replace your vehicle, or return your vehicle and get a refund.

Enclose copies, not originals, of all the papers you got when you bought your vehicle. Also enclose copies of your repair orders. Sign and date your letter. Copy your letter and save it. You may want to send your letter by certified mail, return receipt requested.

## **WHAT HAPPENS IF I CHOOSE TO REPLACE MY VEHICLE?**

If you choose to replace the vehicle and the manufacturer agrees, you must be given a similar vehicle that you accept. You get a replacement worth the value of your vehicle. If you choose to replace and the manufacturer does not agree, you must be allowed to return your vehicle and get a refund. In either case, you have the right to drive your vehicle until you get your replacement or refund.

## **WHAT HAPPENS IF I RETURN MY VEHICLE AND GET A REFUND?**

If you choose to return your vehicle and get a refund, the manufacturer must agree to your choice. When you return your vehicle, you get a refund worth the value of your vehicle.

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## **HOW IS THE VALUE OF MY VEHICLE DETERMINED?**

The value of your vehicle is the full contract price of the vehicle after taking off an amount for the use of the vehicle. The amount for the use depends on the number of miles you drove your vehicle until you reported the first problem.

## **DO I HAVE TO GO TO COURT TO ENFORCE MY LEMON LAW RIGHTS?**

Some manufacturers have an informal procedure to settle Lemon Law problems. Your owner's manual will explain any such procedure. Under Virginia's Lemon Law, you may choose whether or not to use this procedure. If you use this procedure, you must do so within 18 months of the original delivery of the new vehicle to the first buyer. Whether or not you use this procedure, you may file a lawsuit to enforce your Lemon Law rights.

***THIS INFORMATION IS NOT LEGAL ADVICE.*** *Legal advice is dependent upon the specific circumstances of each situation. Therefore, the information contained in this pamphlet cannot replace the advice of competent legal counsel.*

Free Legal information by Web and Phone: [www.vlas.org](http://www.vlas.org) and  
1-866-LegalAid (534-5243)

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