

Florida's Lemon Law

Buying a new car is one of the most important and expensive purchases you will make. But if you find yourself going back and forth to the dealer for frequent repairs, the fun and satisfaction of owning a new car can quickly change into a frustrating and costly experience.

If you've invested hard-earned cash in a "showroom lemon," help is just a phone call away. Recognizing that "new" doesn't always translate into "problem-free," the Florida Legislature in 1988 revised a law that makes car manufacturers responsible - under certain conditions - for replacing defective vehicles or refunding consumers' money. Commonly known as Florida's automobile "Lemon Law," the Motor Vehicle Warranty Enforcement Act established arbitration boards throughout the state to hear and settle complaints between car manufacturers and owners.

This brochure explains the general provisions of the law. It will quickly help you determine if your automobile is covered and describes the steps for seeking recourse. If you need additional information, call 1-800-321-LEMON (321-5366).

When Does the Law Apply?

The Lemon Law applies to new or "demo" motor vehicles purchased or leased in Florida for personal use that has a manufacturing defect or non-conformity which substantially impairs the vehicle's value, use or safety. Your rights period ends two years after the date of original delivery of the motor vehicle, you then have 60 days to file your State Arbitration Request with the Department or, if your manufacturer participates, the State Certified Program.

If an authorized service agent is unable to repair a manufacturing defect after three attempts, or if the car is out of service for a total of 15 or more days while repairs are being made, you have the right to file a motor vehicle defect notification.

Note: Purchasers of recreational vehicles should contact the Lemon Law program, as there may be additional requirements.

Before You Can Request State Arbitration

There are several steps you must take in an effort to get your vehicle repaired before you take your case to state arbitration. All involve giving your manufacturer one last chance to remedy the situation.

Step One

You must notify the manufacturer -- by certified letter -- of the problems you've experienced.

If your complaint is based on three failed repair attempts:

The manufacturer has 10 days after receipt of the letter to give you the opportunity to take the vehicle for final repairs within a reasonable time and then up to 10 days to remedy the problem once the car is in the shop. If the manufacturer does not comply with this procedure or the vehicle still has the same problems after the final repair attempts, you are entitled to move to Step Two.

If your complaint is based on the vehicle being out of service for 15 or more days:

The manufacturer or its authorized agent has the opportunity to inspect or repair the vehicle. If the vehicle still does not conform to the warranty for a total of 30 or more days and the manufacturer has had the opportunity to repair, you are entitled to move to Step Two.

Step Two

Many manufacturers have informal dispute settlement programs, which have been certified by the State of Florida. If Step One does not resolve the issue, you must request a settlement through the manufacturer's program before you can ask for state arbitration. However, if the manufacturer has no such program, or if you still aren't satisfied after giving the informal settlement program a chance, then you can notify the Florida Department of Agriculture and Consumer Services that you wish to request a ruling by the New Motor Vehicle Arbitration Board. This request must be made within two years and 60 days from the original date of delivery or within 30 days after final action by certified procedure, whichever date occurs later.

What Happens in Arbitration?

Under the informal dispute settlement program, a decision must be made within 40 days of filing your claim; otherwise you may withdraw from the program and file with the state. If the New Motor Vehicle Arbitration Board accepts your request; it will hear the dispute within 40 days and render its decision within 60 calendar days of the date your arbitration request was approved. If the board's decision is in the consumer's favor, the manufacturer has 40 calendar days to refund the purchase price of the vehicle plus collateral and incidental expenses or replace the vehicle with a new one. In either case, there will be a reasonable charge for usage.

Once the Arbitration Board rules on a case, either side may appeal the decision in a court of law. To protect the consumer, a judge may double or triple damages if the manufacturer appeals a case in bad faith.

The System Works

The Lemon Law program has proven to be an effective means of recourse for Florida residents. Since the program's inception in 1988, Floridians have received over \$198 million in refunds and replacement vehicles through the state Lemon Law arbitration program.