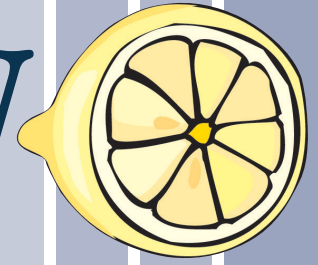


# New Car Lemon Law



## YOUR ROAD TO RELIEF

consumer *brief*

What happens if that new car or motorcycle you bought turns out to be a lemon? Under the New Jersey New Car Lemon Law you may be entitled to a refund.

The New Car Lemon Law applies to anyone who buys, leases or registers a new car or motorcycle in New Jersey. The term of protection is 24,000 miles or two (2) years from the original date of delivery, whichever comes first. The law also covers authorized emergency vehicles and motor homes, except for the living quarters of the motor home.

To qualify for relief under the New Car Lemon Law, the defect must *substantially* impair the use, value or safety of your vehicle, or be a *serious* safety defect likely to cause death or serious bodily injury if the vehicle is driven.

### WHY CHOOSE THE LEMON LAW UNIT?

- **It's much quicker!** - The Lemon Law process has special deadlines which must be met in order to ensure quicker handling of your case. Going to Superior Court could take considerably longer.
- **An attorney is not required** - You may choose to have an attorney represent you but it is not required. If you win your case, the manufacturer must pay for any reasonable attorney's fees.
- **Cases are scheduled at your convenience** - Cases are scheduled at a date, time and location that is most convenient for you, whether it be Newark, Trenton or Atlantic City.
- **The fee is only \$50** - There is a \$50 filing fee which is refunded to you if you win your case (compared to the \$200 filing fee in the Superior Court.)
- **Lemon Law staff are ready to assist you** - While the Unit does not provide legal representation, staff are available by phone or e-mail to answer your questions quickly.

### WHAT IS NOT COVERED:

- The Lemon Law does not cover vehicles registered for commercial use.
- The Lemon Law does not cover the living quarters of motor homes.
- The Lemon Law does not cover defects caused by accident, vandalism, abuse or neglect.
- The Lemon Law does not cover defects caused by attempts to repair or modify the vehicle by a person other than the manufacturer, its agent or an authorized dealer.

### GETTING YOUR VEHICLE REPAIRED

It is very important that you report any defect or condition directly to the manufacturer or dealer *immediately*. It is also important that you keep all repair receipts and a complete record of all contacts with the manufacturer and dealer.

### WHAT YOU MUST DO

Before you can file a claim under the New Car Lemon Law with the Division of Consumer Affairs, you must give the manufacturer one final chance to repair the defect. A letter to the manufacturer (not the dealer) must be sent by certified mail, return receipt requested, stating that you may have a claim and that you are giving the manufacturer one last chance to repair the defect. The letter may be sent after two repair attempts for the same defect have failed to fix the problem, or after the vehicle has been out of service for a cumulative total of 20 days (45 days for a motor home). In the case of a *serious* safety defect, the letter can be sent after a single repair attempt fails to fix the problem. The manufacturer should be allowed 10 days following the date on the certified mail return receipt to repair the vehicle.

*Continued*

800-242-5846 › New Jersey Division of Consumer Affairs  
[www.NJConsumerAffairs.gov](http://www.NJConsumerAffairs.gov)



Your “final-chance” letter must be mailed to the manufacturer’s regional office. Contact the Division of Consumer Affairs’ Lemon Law Unit to get the address for the regional office of your car’s manufacturer.

### **SAMPLE LETTER TO THE MANUFACTURER**

- Your letter must be sent by certified mail-return receipt requested.
- It must be received by the manufacturer before the odometer hits 24,000 miles or two (2) years from the original date of delivery, whichever occurs first. You must be under both limits.
- Send the letter to the manufacturer using only the address provided by the Lemon Law Unit. **Please contact the Lemon Law Unit to get the correct address.**
- Be sure to include your name, address and telephone number.
- If, after contacting the manufacturer, your problem still exists, you should contact the Lemon Law Unit and request an application for Lemon Law Dispute Resolution.
- You will find below a sample letter to the manufacturer. You must send this letter certified mail-return receipt requested.

To Whom It May Concern:	Date
I believe that my (passenger <u>vehicle/motorcycle</u> ) is a “lemon” under the New Jersey Lemon Law (N.J.S.A. 56:12-29 to 56:12-49). I am hereby making a written demand for relief under the Lemon Law.	
I (purchased/leased) a ( <u>make, model, year of vehicle and vehicle identification number</u> ) on ( <u>date</u> ) from ( <u>name of dealership</u> ) in ( <u>city, state</u> ). Since I bought the vehicle, I have had to return it to the dealership a total of ( <u>total number of times the vehicle was returned to an authorized dealer for repairs</u> ) times. My vehicle has been out of service for repairs for a total of ( <u>total number of calendar days the vehicle has been out of service being repaired</u> ) calendar days. The current mileage on my vehicle is ( <u>current odometer reading</u> ).	
My vehicle has been in ( <u>name of authorized dealership</u> ) on the following days for repair of the following defects:	
( <u>date in &amp; date out</u> ) ( <u>etc.</u> )	( <u>List problems</u> ) ( <u>etc.</u> )
I am having the following problems with my vehicle at this time: ( <u>list all of the vehicle’s current problems</u> ).	
Since these defects substantially impair the use, value or safety of my vehicle, or the defect is one that is likely to cause death or serious bodily injury if the vehicle is driven, I am hereby allowing you one final opportunity to repair my vehicle. If these repairs are not completed within 10 calendar days of receipt of this letter, I may be entitled to a refund, in accordance with the New Jersey Lemon Law.	
I look forward to hearing from you soon. You can reach me during the day at ___-__-__ and in the evening at ___-__-__.	
Sincerely,	
Your name	

### **HERE IS WHAT TO EXPECT ON YOUR ROAD TO RELIEF**

1. Your Lemon Law application will be reviewed by a Lemon Law staff member for completeness and to determine whether it meets all of the qualifications for a Lemon Law hearing.
2. The application will then be approved, rejected or sent back to you for edits.
3. Once the application has been approved, a \$50 filing fee will be requested.
4. Once the fee has been received, the application is considered accepted and a copy will then be mailed to the manufacturer.
5. You will then be contacted to set a hearing date, usually within **20 days** of the application’s acceptance, subject to the hearing dates the Office of Administrative Law (O.A.L.) has available. A copy of the application will then be sent to the O.A.L.
6. The administrative law judge’s Initial Decision will be issued within **20 days** of the hearing.
7. Within **15 days** of having received the Initial Decision, the Director of Consumer Affairs will issue a Final Decision. The Final Decision will either adopt, reject or modify the Initial Decision.

### **IMPORTANT**

To qualify for a hearing before an administrative law judge:

- You must have the minimum required number of repair attempts.
- You must have notified the manufacturer by certified mail of its final chance to repair the defect, within the term of protection: 24,000 miles or two (2) years, whichever occurs first.
- You must have given the manufacturer that final chance to repair the vehicle, and you must have the certified mail return receipt proving that the manufacturer received the “final-chance” notification.
- The defect must still exist after the final repair attempt.

### **ANY QUESTIONS?**

This information is just a guide. If you have any questions or are uncertain about a particular aspect of the Lemon Law\*, you may contact the N.J. Division of Consumer Affairs’ Lemon Law Unit, P.O. Box 45026, Newark, NJ 07101, 973-504-6226. In addition, the Lemon Law Unit will provide, upon request, a guideline booklet to the New Jersey Lemon Law, and the manufacturer’s address.

\* The Lemon Law Unit also enforces regulations on used cars and on new motorized wheelchairs and scooters.