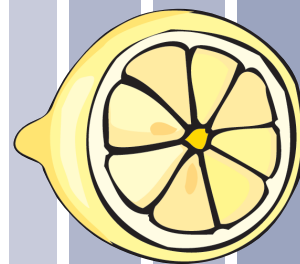


New Car Lemon Law

YOUR ROAD TO RELIEF



consumer *brief*

What happens if your new car or motorcycle is 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 and two (2) years from delivery. The law also covers authorized emergency vehicles and portions of motor homes.

To qualify for relief, the defect must *substantially* impair the vehicle's use, value or safety, or be a *serious* safety defect likely to cause death or serious bodily injury.

WHY CHOOSE THE LEMON LAW UNIT?

- **It's quicker!** - The Lemon Law process has special deadlines that ensure quicker handling of your case than going to Superior Court.
- **No attorney required** - You may have an attorney but it is not required. If you win, the manufacturer must pay reasonable attorney's fees.
- **Cases scheduled at your convenience** - Cases are scheduled at a date, time and location that is most convenient for you, in Newark, Trenton or Atlantic City.
- **The filing fee is only \$50** - And the fee which is refunded to you if you win your case.
- **Lemon Law staff are ready to help** - The Unit does not provide legal advice, but staff are available by phone or e-mail to answer questions.



WHAT IS NOT COVERED:

- Vehicles registered for commercial use.
- Living quarters of motor homes.
- Defects caused by accident, vandalism, abuse or neglect.
- Defects caused by someone other than the manufacturer, its agent or an authorized dealer.

GETTING YOUR VEHICLE REPAIRED

You should report any defect to the manufacturer or dealer *immediately*. Keep all repair receipts and a record of all contacts with the manufacturer and dealer.

WHAT YOU MUST DO

Before you can file a Lemon Law claim with the Division, you must give the manufacturer one final chance to repair the defect. Send a letter to the manufacturer (not the dealer) by certified mail, return receipt requested, stating that you may have a claim and 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 total of 20 days (45 days for a motor home). For *serious* safety defect, the letter can be sent after a single repair attempt. The manufacturer has 10 days from the date on the certified mail return receipt to repair the vehicle.

Your "last chance" letter must be mailed to the manufacturer's regional office. Contact the Division's Lemon Law Unit to get that address.

Continued

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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 and within two (2) years from delivery**.
- Send the letter to the manufacturer **using only the address provided by the Lemon Law Unit**.
- Include your name, address and telephone number.
- If the problem continues after the “last chance repair, request an application for Lemon Law Dispute Resolution from the Lemon Law Unit.
- 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 vehicle/motorcycle) 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 (make, model, year of vehicle and vehicle identification number) on (date) from (name of dealership) in (city, state). Since I bought the vehicle, I have had to return it to the dealership a total of (total number of times the vehicle was returned to an authorized dealer for repairs) times. My vehicle has been out of service for repairs for a total of (total number of calendar days the vehicle has been out of service being repaired) calendar days. The current mileage on my vehicle is (current odometer reading).

My vehicle has been in (name of authorized dealership) on the following days for repair of the following defects:

(date in & date out)
(etc.)

(List problems)
(etc.)

I am having the following problems with my vehicle at this time: (list all of the vehicle's current problems).

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 application will be reviewed by the Lemon Law Unit to determine whether it meets all filing requirements.
2. The application will be approved, rejected or sent back to you for edits.
3. Once approved, a \$50 filing fee will be requested.
4. Once the fee is paid, a copy of the the application will be mailed to the manufacturer.
5. You will be contacted to set a hearing date, usually within **20 days** of the application's acceptance, subject to Office of Administrative Law (O.A.L.) availability. A copy of the application will be sent to the O.A.L.
6. A hearing will occur and then the administrative law judge's Initial Decision will be issued within **20 days**.
7. Within **15 days** of receiving 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 O.A.L.:

- You must have three (3) repair attempts.
- You must have notified the manufacturer by certified mail of its last chance to repair the defect, within **24,000 miles and two (2) years from delivery**.
- You must have given the manufacturer that final chance to repair the vehicle, and you must have the certified mail return receipt proving the manufacturer received the “last chance” notification.
- The defect must remain after the final repair attempt.

ANY QUESTIONS?

This is just a guide. If you have questions about a particular aspect of the Lemon Law, contact the N.J. Division of Consumer Affairs' Lemon Law Unit, P.O. Box 45026, Newark, NJ 07101, 973-504-6226. The Lemon Law Unit can also provide a booklet on the New Jersey Lemon Law.

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