



The information contained in this brochure is intended to be generic and is not intended to be a comprehensive guide to the laws and requirements of any particular state, country or organization. Persons seeking more detailed information about a particular law should contact the applicable governmental authority.

LEMON LAW – WRITTEN NOTICE AND **OPPORTUNITY TO REPAIR OR CURE**

Individual State Lemon Laws typically set forth certain steps that consumers must take as a prerequisite to filing a lemon law complaint against a manufacturer. One common requirement is that the consumer must notify the manufacturer, in writing, of either the defect alleged, the consumer's intent to file a claim under the Lemon Law, or both. Another common requirement is that the manufacturer be given a final repair attempt or final opportunity to repair or "cure" the defect after the receipt of written notice. This brochure provides general information on both of these topics.

WRITTEN NOTICE

Where to send the notice:

Many states require the consumer to formally notify the manufacturer, in writing, if a defect has not been repaired within a certain number of repair attempts. Although some states may allow the consumer to send this notice to the dealership where the vehicle was purchased, most require the consumer to provide the notice directly to the vehicle manufacturer. A few states require the dealer to notify the manufacturer about the consumer's problem after so many attempts to fix or days out of service.

The requirements of the various states concerning where to send the manufacturer's notice can differ drastically. Some states require the consumer to use a particular address provided by the manufacturer in the owner's manual or warranty booklet. In contrast, some allow the consumer to send the notice to any legitimate manufacturer's address, whether it is a corporate, zone, or regional address. Other states provide that the consumer should contact his or her state's lemon law office to

obtain the correct manufacturer's address to use for the notice. Still others require consumers to utilize a specific disclosure form provided to them at time of purchase, and to send the disclosure form to the address provided by the manufacturer on the form. With so many potential options, it is important to carefully read your particular state's requirements.

How to send the notice:

Some Lemon Laws require that the written notice be mailed via certified mail, return receipt requested, or registered or express mail so that the consumer has proof that the notice was sent and the date of receipt by the manufacturer. Some states only require that actual or direct notice be given, but the burden is on the consumer to show that notice was received.

Information to be included in the notice:

In some states, a written notice form is provided to the consumer at the time of purchase that will solicit all of the information necessary to provide the manufacturer with the notice required by law. If this is not the case, you should contact the state agency responsible for oversight of your state's lemon law; they may have a sample form that they recommend consumers use, or will otherwise be able to inform you of the information that should be included in the notice.

When to send the notice:

In general, the notice should be sent before the Lemon Law Rights Period expires or, if applicable, any extension period expires. In some states, there are specific times when the notice can be sent. For example, a law may provide that the notice 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 15 or more days, or after a single repair attempt fails to fix a serious safety defect. Because timing can be critical, it is very important to clearly understand and follow your own state's requirements.

When a written notice may not be required:

In some states, the requirement that the manufacturer receive written notice applies only if the consumer was informed, in writing, of this requirement at the time of vehicle acquisition. That information may have been provided in the owner's manual or warranty booklet, or in a specific disclosure form given to the consumer at time of purchase.



OPPORTUNITY TO REPAIR OR CURE

In many states, the purpose of the written notice discussed above is to notify the manufacturer that it has a final opportunity to repair or “cure” the defect. Statutory deadlines for completing the final repair are then applicable. If the manufacturer does not satisfactorily fix the problem or does not take the opportunity to do a final repair attempt, the consumer is then cleared to file a claim for Lemon Law relief.

Generally, the manufacturer has seven to 15 days to repair the vehicle following its delivery to the facility, depending on which state is involved. In some states, a final repair opportunity is provided to the manufacturer after a consumer files a claim.

In a few states, a final repair attempt or opportunity to cure is not required. The written notification merely notifies the manufacturer that the consumer is requesting Lemon Law relief. In that situation, many states allow the manufacturer up to 40 days to satisfy the request, if it elects to do so.



THE BOTTOM LINE

To protect and preserve your lemon law rights, it is very important that you provide proper notice in accordance with the requirements of your state’s lemon law. Doing so will likely increase your chances of expeditiously resolving your lemon law dispute.



Click on http://www.ialla.net/law_contacts.htm (“State Lemon Law Contacts”) to find state websites which may lead you to written notice and opportunity to repair or cure provisions for a particular state. Many state websites have forms online and may also provide information such as current manufacturer zone office addresses.