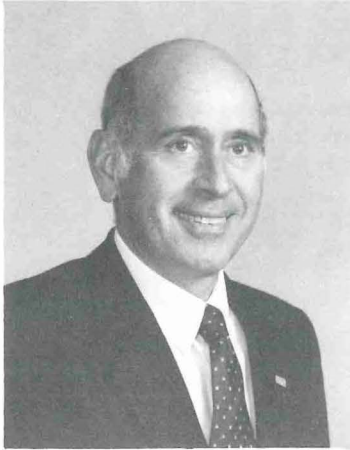


KANSAS LEMON LAW

New Car Protection



Prepared by
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Kansas Attorney General



LEMON LAW PROTECTION

- * The Lemon Law provides consumers who purchase new cars, trucks, vans, or motorcycles, on or after July 1, 1985, a procedure to follow and a remedy if they discover their new vehicle is a "lemon."
- * If a new vehicle turns out to be defective and has not been repaired after a "reasonable number of attempts," the law requires the manufacturer to replace the vehicle with one of equal value, or refund the purchase price, less an allowance for actual use.
- * Only a small number of new vehicles are likely to be declared "lemons." However, all new vehicle buyers will benefit from this law. The manufacturer and dealer will have stronger economic incentives to deliver vehicles which are free from defects, and if problems develop, to correct them quickly.
- * This law encourages vehicle manufacturers to establish third-party dispute settlement programs to settle consumer disputes. Decisions made through these programs are binding only on the manufacturer, not on the consumer.
- * This law clearly spells out the responsibilities of the consumer, the dealer, and the manufacturer. This law *does not* limit any other rights or remedies available to consumers under other provisions of law.

LEMON LAW TIPS:

As a consumer, you never know if the vehicle you purchase will turn out to be a "Lemon." To protect yourself, there are several things you can do to take full advantage of the Lemon Law's protection.

1) *Read and understand the warranty BEFORE the sale.* Make sure you know exactly what is covered and for how long.

2) *Before taking delivery of your new vehicle, inspect it.* If any problems are noticed, refuse delivery until they are corrected.

3) *Read, understand and follow maintenance requirements* in the owner's manual.

4) *Keep records of all car maintenance* to prove, if necessary, the defect was not caused by your abuse or negligence.

5) If problems do develop, *contact your dealer as soon as possible.*

6) *Keep a record of the date and nature of all repairs made to your car.* Be sure to obtain a copy of the service order from the dealer stating exactly what repairs were made to your vehicle.

7) *Keep a record of all contacts made to the dealer or manufacturer.* Keep copies of all letters, and records of all telephone calls. This may later help prove what was said, and may also help avoid misunderstandings.

8) If you have any questions concerning the Lemon Law or specific warranty problems, contact the Attorney General's Office.

MANUFACTURER'S RESPONSIBILITY TO REPAIR, REFUND OR REPLACE:

Essentially, the Lemon Law requires manufacturers to meet the terms of all warranties. The manufacturer must repair, or correct any defect or condition, which "*substantially impairs the use or value of the vehicles,*" during the warranty period, or during the period of one year following delivery of the vehicle to the consumer, whichever is the *earlier* date.

If the manufacturer or authorized dealer has been unable to repair the condition after a "reasonable number of attempts," then, under the law, the consumer is entitled to a replacement vehicle of equal value, or a refund of the full purchase price, less an allowance for consumer use.

The law explicitly defines "reasonable number of attempts" as:

- * *Four* unsuccessful attempts to repair the same defect; or
- * A car which has been out of service due to warranty repairs for at least *30* cumulative calendar days during the warranty period or during the year following the date of delivery to the consumer, whichever is earlier, or
- * There have been *ten* or more attempts, during the warranty period or during the first year of ownership, whichever is earlier, to repair various defects which "substantially impair the use or value of the motor vehicle."

However, the manufacturer *does not* have to make a refund or replace the motor vehicle *if*:

- * The defect does not substantially impair the use or market value of the motor vehicle; or
- * The condition is the result of abuse, neglect, or unauthorized alterations of the vehicle by the consumer.

CONSUMER'S RESPONSIBILITIES:

Simply because there have been a "reasonable number of attempts" to repair a defect does not, in itself, make a consumer automatically eligible for a refund or replacement vehicle.

The consumer must first:

1) Notify the manufacturer, or authorized dealer of the problem during the warranty period or during the year following delivery of the vehicle, whichever is the earlier date.

2) If the manufacturer has an informal dispute settlement program, and most do, the consumer must first attempt to resolve the complaint through this program.

3) If the consumer is still dissatisfied after taking these steps it will be necessary to bring action through a private attorney. This act is not part of the Kansas Consumer Protection Act, therefore the Attorney General's Office is not authorized to bring actions on behalf of consumers against manufacturers who do not satisfy their demands.

Dear Kansas Consumer:

Today's new motor vehicles are expensive and complicated. Kansans have become dependent on motor vehicles to conduct their daily lives.

Occasionally, some new cars sold in the State of Kansas do not provide what most purchasers of new vehicles have come to expect. When new vehicles experienced repeated or numerous difficulties and the dealer or manufacturer was not able to correct the difficulties, the consumer was faced with a situation that was not easily resolved until the Kansas Lemon Law was enacted.

The 1985 Kansas Legislature addressed the issue of new cars sold in Kansas that turned out to be "lemons" by passing Senate Bill No. 118. This law, which is referred to as the "Lemon Law," became effective for new vehicles purchased after June 30, 1985.

This brochure is provided to you in order to better inform you of the provisions of the Kansas Lemon Law. If you should have any questions regarding this law or its application to your purchase of a new vehicle, please feel free to contact my Consumer Protection Division at the address or telephone number below. Thank you for the opportunity to serve you.

Very truly yours,

ROBERT T. STEPHAN
ATTORNEY GENERAL

Consumer Protection Division
Office of the Attorney General
2nd Floor, Kansas Judicial Center
Topeka, Kansas 66612-1597
(913) 296-3751
Consumer Hotline: (800) 432-2310

**IF YOU BELIEVE YOUR VEHICLE
QUALIFIES FOR A REFUND OR A
REPLACEMENT: TAKE THESE STEPS:**

1) Contact the dealer from whom you purchased the vehicle and voice your position. Try to speak with the owner of the dealership. If that is not possible, speak with the general manager or new vehicle sales manager.

2) Write to the manufacturer, explaining your position. *

3) File a complaint with the appropriate dispute settlement program for the manufacturer. **

4) Finally, if you have not obtained satisfactory results after taking these steps, contact your attorney.

* See your automobile's owner's manual, warranty information or your dealer for the address of the manufacturer's regional office.

** A list of arbitration programs for the respective manufacturers is included in this pamphlet.

**INDUSTRY THIRD-PARTY DISPUTE
RESOLUTION PROGRAMS:**

AUTOMOTIVE CONSUMER ACTION PROGRAM (AUTOCAP): (Handles Alfa-Romeo, AMC/Jeep/Renault, BMW, Fiat, Honda, Isuzu, Jaguar, Lotus, Mazda, Mitsubishi, Nissan, Peugeot, Rolls-Royce, Saab, Subaru, Toyota and Volvo complaints.)

Kansas Motor Car Dealers Association
Merchants National Bank Building
8th & Jackson, Suite 717
Topeka, Kansas 66612
(913) 354-4366

BBB/AUTOLINE: (Handles AMC/Jeep/Renault, Audi, Chevrolet, Oldsmobile, Buick, Pontiac, Cadillac, GMC Truck, Honda, Nissan, Datsun, Volkswagen, Volvo, Rolls-Royce and Porsche Complaints.)

FOR: LEAVENWORTH, WYANDOTTE, JOHNSON,
MIAMI & LINN COUNTIES:

Better Business Bureau
906 Grand Ave.
Kansas City, Missouri 64106
(816) 421-7800

FOR: ATCHISON, BROWN, DONIPHAN, GEARY,
FRANKLIN, JACKSON, JEFFERSON, LYON,
MARSHALL, MORRIS, RILEY, SHAWNEE,
DOUGLAS & WABAUNSEE COUNTIES:

Better Business Bureau
501 Jefferson, Suite 24
Topeka, Kansas 66607
(913) 232-4054, 0455

FOR: SEDGWICK & ALL OTHER KANSAS COUN-
TIES:

Better Business Bureau
300 Kaufman Building
Wichita, Kansas 67202
(316) 263-3146
1-800-362-0178

**CHRYSLER CUSTOMER SATISFACTION
ARBITRATION BOARD:**

P.O. Box 413
Overland Park, Kansas 66204

FORD CONSUMER APPEALS BOARD:

P.O. Box 2918
Shawnee Mission, Kansas 66201-1318



Office of Attorney General
ROBERT T. STEPHAN