

Motor Vehicle Lemon Laws

By Jane M. Winand, Chief, Legal Assistance Division

The new car you just bought seems perfect, but there could be serious, hidden mechanical problems that will sour the deal. You may have bought a “lemon.” Brand new defective or “lemon” vehicles have become such a problem that states have enacted Lemon Laws to protect consumers. There are specific standards for each state that will determine whether a vehicle is truly a lemon, thus providing the consumer with redress.

Maryland’s Lemon Law only applies to the purchase or lease of a new vehicle, and includes only cars, light trucks, and motorcycles. Furthermore, to be covered under the Lemon Law, claims may only be asserted during the warranty period, which is defined as the earlier of the vehicle’s first 18,000 miles of operation or 24 months following the date of delivery of the vehicle to the consumer. If, during the warranty period, the manufacturer or dealership may not be able, after a reasonable number of attempts, to repair a defect that substantially impairs the use and market value of the vehicle. The Lemon Law then requires the manufacturer/dealership to either (1) replace the vehicle with a comparable model acceptable to the consumer or (2) accept the return of the vehicle and refund the purchase price and all license, registration or other fees. Please note that the law does allow the manufacturer or dealership to deduct from the refund a reasonable charge for the use of the vehicle (not to exceed fifteen percent of the purchase price) and a reasonable allowance to cover any damage caused by the consumer and not resulting from the defect. The statute defines a reasonable number of attempts to repair the vehicle as any of the following:

1. A brake or steering failure exists that was not corrected after the first repair attempt and this defect causes the vehicle to fail Maryland’s mandatory safety inspection,
2. A problem with the vehicle persists even after four or more attempts to repair, or
3. The vehicle is out of service for a cumulative period of thirty or more days during the warranty period as a result of attempts to repair one or more defects.

Each state has its own Lemon Laws and it is best to consult with an attorney to determine whether your situation will qualify for this protection. If you think you are entitled to protection under the Maryland Lemon Law statute, want to know more about the Lemon Laws of other states, or need help with the process of seeking a refund from the vehicle manufacturer or dealership, you may call the Fort Meade Legal Assistance Office and make an appointment to speak with an attorney. The number is (301) 677-9504/9536.