

## **Wisconsin Lemon Law for purchases made before March 1, 2014.**

If the new motor vehicle you bought or leased turns out to be a "lemon," the manufacturer has to replace it free or refund the price (minus a reasonable amount for mileage/usage).

### **What is a "lemon"?**

A new vehicle that is no more than a year old and still under warranty is classified as a "lemon" if:

- It has a serious defect the dealer can't fix in four tries, **or**
- It has one or many defects that prevent you from using it for 30 days or more (the 30 days need not be consecutive)

### **What is a defect?**

A defect (or a nonconformity) covered by the Lemon Law must seriously affect the use, value or safety of your vehicle and must be covered by the warranty. Conditions that result from abuse, neglect or unauthorized modification or alteration of the motor vehicle by a consumer do not qualify as defects the manufacturer must repair under the law.

An irritating rattle may not be "serious" enough to make your car eligible for a Lemon Law claim. Your vehicle stalling or not running might be.

### **What vehicles are covered?**

The law covers any new car, truck, motorcycle or motor home, or other motor-driven vehicle, including demonstrator or executive-driven vehicles, that are purchased, leased, or transferred to a consumer in Wisconsin. It does not cover vehicles purchased in other states or via the internet that are delivered outside Wisconsin. The law does not apply to mopeds, semitrailers or to trailers designed for use in combination with a truck or a truck tractor.

### **How long are you covered?**

The lemon law includes no deadline for filing a lemon law claim; a court would decide if your case were too old. (Six years is often the length of time referenced in court. This six-year time frame STARTS at first delivery of the motor vehicle to a consumer.)

### **Is your vehicle a lemon?**

Your vehicle is a lemon if **all** of the following statements are true:

- You bought or leased a new vehicle.
- The vehicle is a car, truck, motorcycle or motor home.

- The vehicle developed a defect or defects during its first year and before the warranty expired.
- The defect seriously harms the vehicle's use, value or safety.
- One of the following happened during the vehicle's first year and before the warranty expired:
  - The dealer failed four times to fix the same system defect; **OR**
  - The vehicle was “out of service” for 30 days or more due to defects

## What should a new vehicle owner do?

- Get a Repair Order for every repair visit, even if the dealership service department doesn't diagnose the problem or attempt a repair. A Repair Order should show the problem you report, and the dates your vehicle is in the service department.
- Keep purchase contracts, warranties, and repair orders to prove you have a lemon. Don't keep repair orders in your car where they may get lost.
- You should use the Wisconsin Department of Transportation's (WisDOT) [Motor Vehicle Lemon Law Claim](#) form (MV2694) to ask the manufacturer for a refund or replacement vehicle. The Lemon Law Claim form includes important language required under the lemon law. Send the form to the manufacturer at the address in your owner's manual. The manufacturer has 30 days to respond. Your **refund** should include the full purchase price, sales tax, any finance charge, and collateral costs (for example, repairs, towing, alternative transportation), minus the mileage/use deduction allowed by law. If you get a **replacement vehicle**, the manufacturer should refund your collateral costs and charge nothing for mileage.
- You will want to send the following items to the manufacturer at the address in your owner's manual. (We recommend you send this information by Certified Mail.)

Please include:

1. [Motor Vehicle Lemon Law Claim](#) form (MV2694)
  2. All dealership Repair Orders
  3. A cover letter detailing your situation
- If you leased the vehicle, a refund for the current value of the written lease should be given to the motor vehicle lessor and to any holder of a perfected security interest in the vehicle, and you (the consumer) should be refunded all amounts you paid under the written lease plus any sales tax and collateral costs, less a reasonable allowance for mileage/use.
  - If you don't get a refund or replacement by writing the manufacturer, consider using your manufacturer's arbitration program. If your manufacturer has a program certified by WisDOT, you must use it before you can sue under the Lemon Law. If your manufacturer's program is not certified, you do not have to use it. However, if you do use it, you might get a decision you like. You can reject any decision you don't like. See the list of arbitration programs listed below.
  - You may wish to talk to an attorney if the manufacturer doesn't help you. A court may need to decide if your vehicle is a lemon and what settlement you deserve. If you sue the manufacturer and win, you could get double the vehicle purchase price, plus other costs and attorney fees. At any stage of the Lemon Law process, if you want to find an attorney

who handles Lemon Law cases, contact the State Bar of Wisconsin Attorney Referral Service toll-free at (800) 362-9082, or at (608) 257-4666 or [WisBar Lawyer Referral and Information Service](#).

## **Who can you call for help?**

WisDOT's Dealer & Agent Section licenses and regulates dealers and manufacturers and helps resolve disputes about vehicle sales and warranties. Contact the Dealer & Agent Section at (608) 266-1425 if you have a complaint against a dealer or manufacturer.

The Dealer & Agent Section won't resolve your Lemon Law complaint for you, but it will provide you more information about exercising your rights under the Lemon Law program. If you need further assistance, contact the Dealer & Agent Section at (608) 267-3635 or (608) 266-1425.

## **U.S. DOT auto safety hotline**

If you own a car or truck that you feel has a safety defect you should report the problem to the Hotline at the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (DOT).

The [U.S. DOT Auto Safety Hotline](#) specializes in gathering information about safety problems in motor vehicles and equipment and is your chance to help identify these problems which sometimes lead to recalls. The Hotline can be dialed toll free at (888) DASH-2-DOT or (888) 327-4236 or you can now file your vehicle safety defect report online.

## **Need a speaker?**

WisDOT's Dealer & Agent Section (608) 266-1425 or [dealers.dmv@dot.wi.gov](mailto:dealers.dmv@dot.wi.gov) has speakers for your class or meeting. It's free! Please give us four weeks' notice.

Topics include:

- The Lemon Law program
- Wise car buying

## **Manufacturer arbitration programs:**

Arbitration is an informal way to resolve your complaint without going to court. Arbitrators decide your case based on information you and the manufacturer provide. If your manufacturer has an arbitration program certified by WisDOT, you must use it before suing under the Lemon Law. If it is not certified, you do not have to use it. In either case, arbitration is free, you don't need a lawyer, and you don't have to accept a decision you don't like. Please call the toll-free number for the program's current procedures.

**Certified by the State of Wisconsin:**

**BBB Auto Line**

Better Business Bureau Auto Line  
4200 Wilson Blvd.  
Arlington, VA 22203-1838  
(800) 955-5100

**(Certified for:** Audi, Ford, Lincoln, Mercury, Hyundai, Isuzu, Kia, Mazda, Volkswagen, Nissan, Infiniti)

**(Non-certified for:** AM General, General Motors, Saturn, Saab, Geo, Subaru, Bentley Motor, Indian Motorcycle, Land Rover, Lotus Cars, smart USA, Workhorse Custom Chassis)

**National Center for Dispute Settlement**

43230 Garfield Road, Suite 130  
Clinton Township, MI 48038  
(800) 777-8119

**(Certified for:** Acura, Honda, Lexus, Toyota)

**(Non-certified for:** Mitsubishi, Suzuki, Tesla)

**DeMars & Associates Ltd.**

P.O. Box 1424  
Waukesha, WI 53187-1424  
(800) 279-5343

**Consumer Arbitration Program (CAP-Motors)**

**(Certified for:** Porsche)

**(Non-certified for:** Big Dog Motorcycles)

If you have Lemon Law program questions:

- E-mail: [WisLemonLaw@dot.wi.gov](mailto:WisLemonLaw@dot.wi.gov)
- Call: (608) 267-3635 or (608) 266-1425
- FAX: (608) 267-0323
- Write to the address below:

Wisconsin Department of Transportation  
Dealer & Agent Section  
c/o Lemon Law Program  
4802 Sheboygan Avenue, Room 201  
P.O. Box 7909  
Madison, WI 53707-7909