

Frequently Asked Questions (FAQs)

What is the California Lemon Law?

The California Lemon Law requires a vehicle manufacturer to replace the vehicle or refund the purchase costs of the vehicle when the manufacturer is unable to repair a vehicle to conform- to the manufacturer's original warranty after a reasonable number of repair attempts.

Who does the California Lemon Law protect?

The California Lemon law protects consumers that buy or lease a new or used vehicle that comes with the manufacturer's original warranty.

How long does the California Lemon Law protect a consumer?

The California Lemon Law applies throughout the duration of the vehicle manufacturer's original warranty period. The California State-certified manufacturers extend the filing period to file for arbitration to 6-months beyond the expiration date of the applicable warranty.

Does the California Lemon Law cover used vehicles?

If the used vehicle is covered by the manufacturer's original warranty, yes.

How many repair attempts are required to qualify under California's Lemon Law?

The manufacturer is allowed a reasonable number of repair attempts. What is reasonable will depend on all the circumstances, but in all cases at least two repair attempts are required.

What if my dealership won't refund or replace my vehicle?

The manufacturer, and not the dealership, is responsible for the warranty and would be the one to refund or replace your vehicle.

What if my manufacturer won't refund or replace my vehicle?

If you feel you have given the manufacturer enough time and opportunity to repair your vehicle, but you feel the nonconformity still exists, your next step would be to file for arbitration.

What is arbitration?

Arbitration is a process whereby the dispute between the vehicle manufacturer and the consumer is resolved by a neutral third party, an arbitrator. In California, many manufacturers offer a California state-certified arbitration program. These arbitration programs are required to meet certain standards, such as making a decision on the dispute within a certain number of days. Arbitrators in the state-certified arbitration programs are regularly trained. The Arbitration Certification Program regulates the arbitration programs offering arbitration for new vehicle warranty disputes.

How can I apply for arbitration?

To apply for arbitration visit -www.dca.ca.gov/acp/acpprocess.shtml.

What if the consumer's vehicle is under warranty but the manufacturer does not participate in a California state-certified arbitration program?

The consumer should contact the manufacturer directly and also contact the New Motor Vehicle Board (www.nmvb.ca.gov) for assistance with mediation to possibly resolve the warranty dispute.

Is there a cost to file for arbitration?

No. There is no cost to the consumer to file for arbitration.

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How is the arbitration conducted?

Parties have the option of presenting their arbitration case in person, via telephone or in writing. If the parties select in-person or via telephone, an arbitration hearing will be scheduled, with the date and time and location to be provided to the parties by the arbitration program for them to appear or to call in. For arbitration conducted by written submission, the parties submit all relevant evidence, including all repair orders and other paperwork to the arbitration program and wait for a decision from the arbitrator.

Do I need to hire an attorney?

The decision to hire an attorney, or not, is left up to the individual consumer. You are not required to be represented by an attorney to file for arbitration. The California state-certified arbitration programs are informal. Because the process is informal, the arbitration programs assists in collecting the evidence to be shared with all participants, including the arbitrator. You may hire an attorney to represent you; however, attorney fees cannot be decided by the arbitrator, unless the manufacturer has agreed to allow arbitrators to include attorney fees in the arbitrator's decision to consumers being represented by an attorney.

How long will it take to resolve my dispute through arbitration?

Usually it can take up to 40 days. However, many arbitration claims are resolved sooner.

What are some of the possible decisions through arbitration?

An arbitration decision will determine if the vehicle conforms to the warranty or does not conform to the warranty. If the vehicle does not conform to the warranty, the consumer has the right to elect either a replacement of the vehicle or a repurchase of the vehicle. If the consumer has stated a preference for one of the options, the decision may reflect the consumer's stated preference as part of the decision. If the vehicle is no longer under warranty, and the consumer still owns the vehicle, the arbitrator may order the manufacturer to provide an additional attempt to repair the vehicle at no cost to the consumer.

What happens if I win through arbitration?

Participating manufacturers in the California state-certified arbitration programs have agreed to be bound by the arbitrator's decision, if the consumer accepts it. The manufacturer must perform the arbitrator's decision within 30 days of the consumer's acceptance of the arbitrator's decision.

Can I choose a replacement vehicle or am I required to accept a refund?

You have the option to choose a refund or replacement.

What happens if I choose a replacement vehicle?

The manufacturer must replace your vehicle with a substantially identical vehicle. If you choose additional options or after-market items, you may have to pay for those items. The arbitrator may deduct a mileage offset for the use of the vehicle prior to the first warranty repair attempt.

What happens if I choose a refund?

The consumer is entitled to receive all the monies paid for the vehicle, and may also include a deduction for mileage offset.

What happens if arbitration is not favorable to me?

If you are still under the manufacturer's original warranty, and there are further attempts by the manufacturer to repair the vehicle, -you may refile for arbitration if the repair attempt is not successful. You may want to consult with an attorney to see what other options you may have.

For any questions, please contact the Arbitration Certification Program at 916-574-7350.