

# Lemon Law

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A “lemon” is a vehicle with one or more significant defects or malfunctions that cannot be repaired. Both new and used cars can be lemons, under certain conditions, but New York lemon law only applies to vehicles primarily used for personal purposes, not commercial vehicles.

Note: If you are having trouble with an auto repair for a car that is not a lemon, please check out [Know Your Rights In Auto Repair](#) and consider [filing a complaint](#) with the Department of Motor Vehicles.

## Warranties

Auto dealers are required under lemon law to provide you, the consumer, with a written warranty when purchasing, leasing, or transferring the vehicle, whether it is new or used. The warranty certifies the condition of the vehicle and requires the authorized dealer to repair any covered parts at no cost to you.

Covered parts should include the:

- Engine
- Transmission
- Drive axle
- Brakes
- Steering
- Radiator
- Alternator
- Generator
- Starter
- Ignition system (excluding the battery)

# Legal Remedies Under Lemon Law

Generally, if a vehicle does not meet the terms laid out in its written warranty and the manufacturer or its agent (such as an authorized dealer) is unable to repair the defect or malfunction, the consumer is entitled to a remedy in the form of a refund or replacement under New York State lemon law.

You can go about receiving your refund or replacement through an Arbitration Program. The request forms vary depending on whether the vehicle is new or used, but the Attorney General's New Car Lemon Law Guide includes a detailed explanation of how arbitration works. Visit the "[New York state arbitration programs](#)" dropdown for more information.

There are exceptions to lemon law remedies, such as when the defect or malfunction does not greatly reduce the vehicle's value or when it is a result of abuse, neglect, or unauthorized modifications by the consumer. The requirements for remedy under lemon law vary depending on whether the vehicle is new or used. Read on to find out whether your circumstances meet the qualifications.

## New Car Lemon Law

You may be entitled to legal remedy under the New York State New Car Lemon Law if you buy or lease a vehicle that turns out to be defective, or a "lemon."

You may qualify for a refund or replacement if all of the following are true:

- The car does not conform to the terms in the express written warranty
- You have been unable to resolve the issue directly with the vehicle's manufacturer or authorized agent
- The manufacturer or authorized agent is unable to repair the vehicle after a reasonable chance

Under NYS New Car Lemon Law, to meet the "reasonable chance" requirement, either at least four repair attempts were made, or the vehicle has been out of service for at least 30 days due to the inability to repair the problem.

To be protected under lemon law, the vehicle must meet all of the following conditions:

- It must have been covered by warranty upon original delivery
- It must have been purchased, leased, or transferred within either two years or 18,000 miles of the date of original delivery, whichever came first
- It must have been purchased, leased, or transferred in NYS, or must be registered in NYS presently

## **What to Do if Your New Car Has a Problem**

You should immediately report your new or leased vehicle's defect or condition directly to the manufacturer or its authorized dealer. If you notify the dealer, they must notify the manufacturer in writing within seven days.

Keep records of all complaints, work orders, repair bills, and communications between you and the manufacturer and/or the dealer. Copies of work orders and invoices are proof of your attempts to resolve the problem. If you have trouble obtaining repair reports, contact the [Department of Motor Vehicles](#) (DMV) Business Regulation Unit at 518-474-8943 on weekdays between 8:30 AM and 4:15 PM.

## **NYS New Car Lemon Law Arbitration Program**

If your vehicle and circumstances meet these requirements, you may qualify for the Arbitration Program. "Arbitration" is a hearing to resolve a dispute out of court. It is less formal than going to court but still legally binding. You must apply to the New Car Arbitration Program using a [request form](#) from the Attorney General's Office.

For more details on New Car Lemon Law and how to submit a request for arbitration, visit the Attorney General's [New Car Lemon Law Fact Sheet](#).

## **Used Car Lemon Law**

You may be entitled to legal remedy under the New York State New Car Lemon Law if you buy or lease a used vehicle that turns out to be defective, or a "lemon."

You may qualify for a refund if all of the following are true:

- The car does not conform to the terms in the express written warranty
- You have been unable to resolve the issue directly with the vehicle's manufacturer or authorized agent

- The manufacturer or authorized agent is unable to repair the vehicle after a reasonable chance

Under NYS lemon law for used cars, to meet the “reasonable chance” requirement, either at least three repair attempts were made, or the vehicle has been out of service for at least 15 days due to the inability to repair the problem. The time period may be longer if the dealer is unable to get the parts to attempt the repair.

To be protected under lemon law, the vehicle must meet all of the following conditions:

- Be at least two years old or have 18,000 miles at purchase
- Purchased/leased/transferred from a NYS car dealer- private sales do not apply
- Its price or lease value was at least \$1,500
- It had been driven fewer than 100,000 miles when it was purchased or leased by you
- It must have been covered by warranty upon original delivery

Used car warranties’ time periods of coverage vary depending on the mileage on the vehicle at the time of purchase or lease:

- 18,001-36,000 miles = 90 days or 4,000 miles (whichever comes first)
- 36,001-79,999 miles = 60 days or 3,000 miles (whichever comes first)
- 80,000-100,000 miles = 30 days or 1,000 miles (whichever comes first)

### **What to Do if Your Used Car Has a Problem**

You should immediately report any problem with a covered part to your vehicle’s dealer and request repairs. If you report the problem within your warranty period, the dealer is obligated to make the repair, even if the warranty expires while work or parts shipment is in progress.

Keep records of all complaints, work orders, repair bills, and communications between you and the dealer. If you have trouble obtaining repair reports, contact the [Department of Motor Vehicles](#) (DMV) Business Regulation Unit at 518-474-8943 on weekdays between 8:30 AM and 4:15 PM.

### **NYS Used Car Lemon Law Arbitration Program**

If your vehicle and circumstances meet these requirements, you may qualify for the Arbitration Program. “Arbitration” is a hearing to resolve a dispute out of court. It is less formal than going to court but still legally binding. You must apply to the Used Car Arbitration Program using a [request form](#) from the Attorney General’s Office.

For more details on Used Car Lemon Law and how to submit a request for arbitration, visit the Attorney General’s [Used Car Lemon Law Fact Sheet](#).

## **New Motor Home Lemon Law**

New motor homes are covered under NYS New Car Lemon Law, too, but the requirements are slightly different. Elements of the motor home that are residential in character (e.g. flooring, plumbing, roofs, air conditioning and furnaces, doors and windows not directly related to the driving of the motor home, etc.) are not covered. For a motor home, the “manufacturer” typically also includes the assembler of the motor homes components. The assembler may or may not be the dealer.

Under NYS lemon law for motor homes, to meet the “reasonable chance” requirement, either at least two repair attempts were made, or the vehicle has been out of service for at least 21 days due to the inability to repair the problem. After the two attempts or 21 days, you must give the manufacturer one last chance to repair the defect by providing “special notice.” To give special notice, you must report in writing the two failed repair attempts or the 21 days to the vehicle’s manufacturer or dealer via certified mail with return receipt requested. After a third repair attempt or after the vehicle has been out of service for 30 days, you can proceed with seeking remedies under lemon law.

If your vehicle and circumstances meet the requirements, you may qualify for the Arbitration Program. You must apply to the New Car Arbitration Program using a [request form](#) from the Attorney General’s Office. If you delay giving special notice or do not give special notice at all, your attempt to receive a remedy may be delayed or denied.

For more details on Motor Home Lemon Law and how to submit a request for arbitration, visit the “[New Car Lemon Law questions and answers](#)” dropdown on the Attorney General’s New Car Lemon Law Guide.

For more information on Lemon Law or arbitration visit the [Attorney General's Lemon Law Program Guide](#).

Information in this article taken from the New York Office of the Attorney General and New York Department of Motor Vehicles.

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