

## **California Lemon Law**

### **Motor Vehicle Warranty and the California Lemon Law**

Lemon laws are the US state laws that offer remedies to consumers for the products like boats, cars, computers, motorcycles, refrigerators, RVs, etc. which frequently fail to meet the set standards of quality and performance. A purchaser or lessee of a new motor vehicle has various rights under both State and Federal laws, if the vehicle does not perform as mentioned in an express warranty. These vehicles are commonly referred to as "lemons". There are both state and federal lemon laws that protect the interests of consumers against these "lemons". The rights afforded to consumers by lemon laws may exceed any warranties expressed in purchase contracts.

### **The California lemon law**

California's Song-Beverly Consumer Warranty Act is commonly referred to as the California Lemon Law. It was enacted to protect consumers who may have to deal with a lemon. A lemon is a vehicle that shows a severe nonconformity which is hard to repair. In California, a purchaser or lessee of a new motor vehicle has various rights under both the State and Federal laws, if the vehicle does not perform as stated in an express warranty.

### **California lemon law information**

The California lemon law applies to vehicles:

- In the first 18 months or first eighteen thousand miles, after vehicle delivery
- Repaired for serious safety problem at least twice
- Required repairs for any problem over safety related issues or otherwise, four or more times
- Which are out of service for a cumulative total of 30 or more days

### **New protection for new & used cars under the California lemon law**

- The [California lemon law](#) (cf: the Song-Beverly Consumer Warranty Act beginning with Civil Code section 1790) provides protection for consumers who lease or buy new motor vehicles primarily for personal family or household purposes
- The California lemon law also applies to a new motor vehicle with a gross vehicle weight under 10,000 pounds that is bought or used primarily for business purposes by a person, including a partnership, limited liability company, corporation, association, or any other legal entity, to which not more than five motor vehicles are registered in the state
- The California lemon law applies to "new motor vehicles" and certain limited protection may apply to used vehicles
- According to the California lemon law, the term "new motor vehicle" includes not only new motor vehicles but also demonstrators and, the chassis, chassis cab, and propulsion system of a new motor home
- According to the California lemon law, any used motor vehicle sold with a



- manufacturer's new car warranty would be treated as a new motor vehicle
- According to the California lemon law, the term "new motor vehicle" does not include motorcycles or off-road vehicles

### **The California lemon law coverage for vehicles which are not "new"**

The California lemon law has many general rules that apply to any consumer product sold with an express written warranty including:

- Motorcycles
- The living quarters of a mobile home
- Used vehicles sold with a dealer's express written warranty
- "Lemon" vehicles bought back by the manufacturer and sold to consumers with an express written warranty covering the defect
- Vehicles sold with a service contract

Generally, a manufacturer who is unable to conform a consumer product to its express warranty within a reasonable number of attempts is required to replace the goods or refund the purchase price less an amount attributable to the consumer's use. The California lemon law coverage for vehicles which are not "new" is not identical to the coverage for new motor vehicles.

- Unlike the special rules on new motor vehicles, for vehicles which are not "new":
- There is no set formula for determining the charge for the consumer's use before the discovery of the defect The California lemon law presumption does not apply.

This information is not intended as legal advice. Please direct your specific questions to [Krohn & Moss](#) for protection involving defective vehicles (lemon law), Products (Warranty law), Consumer Fraud, Violations of Renters Rights, Credit Report discrepancies and lenders and creditors discrepancies.

If you think your consumer rights have been violated and you need legal help, call **Krohn & Moss attorneys**, toll free, at 1-800 US LEMON<sup>®</sup> (800-875-3666) for a [FREE CASE REVIEW](#), or complete one of our online submission forms.



## **About Krohn & Moss**

The law firm of **Krohn & Moss, Consumer Law Center®**, was founded in 1995 by attorneys [Adam Krohn](#) and [Greg Moss](#), to provide legal representation to consumers with defective vehicles and products. Krohn & Moss attorneys represented 40,000+ consumers in California(CA) and other states with 98% success rate. Krohn & Moss Consumer Law Center® has arbitrated, settled and litigated cases which have had a profound impact on consumer protection law.

The law firm of Krohn & Moss, Consumer Law Center® offices has conveniently located in major states; **Arizona, California, Florida, Texas & Illinois, Indiana, Kansas & Missouri, Nevada, Ohio.**

## **Further Help and Information**

If you have any questions or want more information on your rights under the California (The Lemon Law), call or write:

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