

TEXAS LEMON LAW

What is the Lemon Law? The Texas “Lemon Law” is a state law administered by the Texas Department of Motor Vehicles (TxDMV) that helps consumers who buy or lease new motor vehicles from licensed Texas dealers or lease companies and have repeated problems getting their vehicles properly repaired. The Lemon Law can help a consumer get the vehicle repurchased, replaced or repaired.

What Does It Cover? The law covers new vehicles that develop problems covered by a manufacturer’s written warranty. Demonstrator vehicles are considered new vehicles.

How Do I Know if I Own or Lease a Lemon? The consumer must prove the following conditions:

1. The vehicle has a serious defect or abnormal condition.
2. The defect or condition is covered by a manufacturer’s written warranty.
3. The consumer reports the defect or condition to the dealer or manufacturer within the warranty term.
4. The consumer gives the dealer a reasonable number of attempts to repair the defect or condition.
5. The consumer gives the manufacturer (preferably by certified mail) written notice of the defect and at least one opportunity for repair.
6. The defect or condition persists and substantially impairs the vehicle’s use or market value, or creates a serious safety hazard.
7. The consumer files a timely Lemon Law complaint and pays the filing fee.
8. The vehicle was purchased from a Texas dealer or lease company.

How Long Do I Have to File a Lemon Law Complaint? A Lemon Law complaint must be filed within six months following the earlier of:

1. Expiration of the express warranty term.
2. 24 months after the purchase.
3. 24,000 miles following the date of delivery of the vehicle.

The complaint should be filed as soon as the consumer realizes the dealer is having problems repairing the vehicle.

What Should a Lemon “Owner” Do?

1. Send written notice, preferably by certified mail, to the manufacturer offering an opportunity to repair the vehicle.
2. Obtain a repair order from the dealer each time the vehicle is taken in for repairs, even if the problem can’t be diagnosed or fixed.
3. Begin gathering documents (buyer’s order, repair orders, etc.).
4. File a written complaint and pay the \$35.00 filing fee.

Where can I get help? To obtain a Lemon Law Complaint Form, call the TxDMV at 1-888/368-4689 or visit www.txdmv.gov/whatyouneed/publications/lemon_law.htm. If you have further questions, contact the Fort Bliss Legal Assistance Office at (915) 568-7141/7150 for an appointment to speak with an attorney.

Much of the information in this information paper was adapted from TxDMV’s Lemon Law pamphlet, located at ftp.txdmv.gov/pub/txdot-info/mvd/lemon/2012brochure.pdf.

This Information Paper from the Fort Bliss Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, consult an attorney.

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