



# Legal Briefs

From the Fort Knox Legal Assistance Office

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## FACTS CONCERNING KENTUCKY'S LEMON LAW

### WHAT IS A LEMON LAW?

Kentucky's lemon law protects consumers who purchase new motor vehicles that are defective and do not perform according to what was promised in the vehicle's express warranty. The law protects the consumer by holding the manufacturer (not the dealer) responsible for certain defects with the vehicle.

### IS MY VEHICLE PROTECTED BY KENTUCKY'S LEMON LAW?

Kentucky's lemon law protects only new vehicles that were purchased in Kentucky. Motor homes, motorcycles, mopeds, farming tractors, and vehicles with more than two axles are NOT considered a "vehicle" under this law. The law also does not cover vehicles that have been substantially altered since the time they were purchased.

### IS MY DEFECT COVERED UNDER THE LEMON LAW?

The lemon law in Kentucky does not cover all defects on a vehicle. The law will only apply if the defect complained of does not live up to what was promised in the express warranty, and that defect substantially impairs the use, value, or safety of the vehicle. The manufacturer is not responsible for any defects that have been caused by abuse or neglect, or that resulted from an unauthorized alteration of the vehicle.

### WHAT DOES KENTUCKY'S LEMON LAW DO?

Your vehicle is considered a "lemon" if the following occur within the first 12 months or 12,000 miles (whichever comes first) of owning your vehicle:

- You have to bring your vehicle in for repairs on the same defect at least 4 times, or
- You cannot use your vehicle for a combined total of 30 days because of the repairs that are being made on the same defect.

To qualify for the law's protection, you must report the defect, in writing, to the vehicle's manufacturer. If the manufacturer cannot fix the defect, they must give you the option of (a) replacing the defective vehicle with a comparable one, or (b) taking the vehicle back and refunding you the full purchase price. If the refund option is chosen, the manufacturer is allowed to deduct a reasonable amount for your use of the vehicle.

### WHAT IF THE MANUFACTURER IS NOT COOPERATING?

Kentucky's lemon law provides a way to resolve disagreements with the manufacturer over whether your vehicle is a lemon or what remedies are available to you. These disagreements can be resolved through an informal dispute resolution system. This system uses an impartial third party to resolve disagreements in a way that is faster and cheaper than going to court.

Each manufacturer should have a dispute resolution system available to its customers, and Kentucky law controls how these systems will work. The manufacturer should inform you about this system as soon as a dispute arises, and complaints must be filed no more than two years after the date you purchased your vehicle.

This system is available at no cost to the consumer, and it must first be used before a lawsuit can be filed against the manufacturer. You may contact the State Attorney General's office at 1-800-432-9257 if you have any questions on the dispute resolution proceedings.

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### **LEMON LAW CHECKLIST—DO YOU QUALIFY?**

- You have a new vehicle that was purchased in Kentucky.
- Your vehicle has no more than 2 axles, and it is not a motor home, motorcycle, moped, or tractor.
- You have not made any substantial changes to your vehicle since you bought it.
- Within the first 12 months or 12,000 miles (whichever came first) of owning your vehicle, you have had to bring it in for repairs at least 4 times, or you have not been able to use your vehicle for a total of 30 days because of repairs that were being made.
- These problems have all been caused by the same defect.
- The defect substantially impairs the use, value, or safety of your vehicle, and is something that is covered under your vehicle's express warranty.
- The defect was not caused by abuse, neglect, or alterations to the vehicle.

If you have checked **ALL** of the above boxes, your vehicle is a lemon, and Kentucky's lemon law can protect you. The **next step** in the process is to report the defect to your vehicle's manufacturer. This must be done in writing. Be sure to make copies of any reports you send.

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If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at [www.knox.army.mil/center/sja/](http://www.knox.army.mil/center/sja/). Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.

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