

# This Guide Provides You Information about Your Rights and Responsibilities Under Oklahoma's Lemon Law.

## Which Vehicles Are Covered?

The Lemon Law covers any new motor-driven vehicles that are required to be registered, except vehicles above 10,000 pounds gross vehicle weight. A recreational vehicle, as defined in Section 1-152.1 of Title 47 of the Oklahoma Statutes, regardless of the weight of the recreational vehicle, shall be considered a motor vehicle for the purposes of this section.

## What is a Lemon?

A new vehicle may be a lemon if there is a defect covered by the warranty which substantially impairs the use and value. However, the defect cannot be the result of abuse, neglect or unauthorized modifications or alterations.

## What Should You Do if You Think That You Bought a Lemon?

**Act fast!** You must report the defect – *directly and in writing* – to the manufacturer, the manufacturer's agent or dealer during the term of the warranty, or during the period of one year following the date of original delivery of the motor vehicle, whichever is earlier.

You must take the vehicle back to give the manufacturer, manufacturer's agent or dealer a "reasonable number of attempts" to fix the problem.

## What Are a Reasonable Number of Attempts?

According to the law, there is a presumption that the manufacturer, manufacturer's agent or dealer has made a reasonable number of attempts, if they have attempted to fix the same defect four or more times during the warranty period or one year following the date of the original delivery of the vehicle, whichever is earlier; or the vehicle is out of service because of the repairs for a total of 30 business days during the same period.



## Informal Dispute Resolution

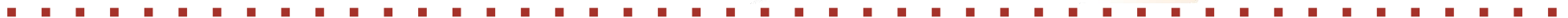
Before the Lemon Law applies, you must try informal dispute resolution if the manufacturer has a procedure which complies with federal law. Read your warranty or owner's manual to find out if the manufacturer has a procedure.

## What If the Vehicle Cannot Be Fixed after a Reasonable Number of Attempts?

- If the vehicle cannot be fixed, the manufacturer shall either:
- ▶ accept a return of the vehicle from the consumer and refund the full purchase price including fees and taxes, but excluding interest, less a reasonable allowance for the consumer's use of the vehicle, or
  - ▶ replace the vehicle with a comparable new model acceptable to the consumer, if one can be agreed upon.



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## Reasonable Allowance for Consumer's Use of the Vehicle

The law provides a formula for reasonable allowance for use:

- ▶ The purchase or lease price multiplied by a fraction having as the denominator one hundred twenty thousand (120,000) miles and having as the numerator the miles directly attributable to use by the consumer beyond 15,000 miles.

For example, suppose a consumer bought a car and paid \$15,000 then drove it 17,000 miles. The consumer can figure the reasonable use allowance this way:

$$\frac{2000^1}{120,000^2} = 1/60\text{th}$$

1/60th of \$15,000 is \$250

<sup>1</sup> 2000 miles over 15,000 miles driven is the numerator.

<sup>2</sup> Denominator set by the law.

## How Can I Protect Myself?

It is important when you buy a new vehicle to read the owner's manual and warranty and follow maintenance guidelines.

Also, keep detailed and dated maintenance records, including warranty work.

Write down a list of problems and defects that you observe with your vehicle and give the written list to the technician when you take the vehicle in for repairs, even if you are taking it back for the same problem.

Get and keep copies of repair orders and make sure they detail work done and how long the vehicle was in the shop for the repairs.

## What happens to Vehicles That Are returned Under lemon Law Procedures?

Vehicles returned may not be resold in Oklahoma unless:

- ▶ the manufacturer provides the same warranty provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier; or
- ▶ the manufacturer, through the licensed dealer, provides the consumer with a written statement on a separate piece of paper that clearly discloses the reason or reasons the vehicle was reacquired by the manufacturer.

However, no returned vehicles shall be resold if it was returned pursuant to the Oklahoma Lemon Law or a similar law in another state because of a defect resulting in a complete failure of the braking or steering system likely to cause death or serious bodily injury if the vehicle is driven.

The manufacturer must cause reacquired vehicles that were registered in Oklahoma to be retitled. Further, the manufacturer must request the Oklahoma Tax Commission to place a "Lemon Law Buyback" notation on the new certificate of title. This must be done before the vehicle is sold, leased, transferred or exported to another state for sale, lease or transfer.

## Does a State Agency Enforce the Lemon Law?

No state agency has enforcement authority over the Lemon Law. If you feel that your rights

have been violated, contact a private attorney for advice. In any civil action pursuant to Section 2 of the Lemon Law, the court may order attorneys' fees and costs to a consumer who prevails in the case.

# Oklahoma's Lemon Law



## Office of Attorney General

313 N.E. 21st Street  
Oklahoma City, OK  
73105

(405) 521-3921  
[www.oag.ok.gov](http://www.oag.ok.gov)