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PRESS RELEASE

Office of Consumer Affairs and Business Regulation Reminds Consumers of their Lemon Law Rights

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Office of Consumer Affairs and Business Regulation

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BOSTON — Presidents' Day weekend is often when many auto dealerships offer their first major sales event of the year. The Office of Consumer Affairs and Business Regulation is reminding consumers who purchased a vehicle this month of their Lemon Law rights should their new or used vehicle have problems.

“The Lemon Laws are intended to give consumers some recourse should their vehicle have problems which impact their safety or their ability to drive it, said **Undersecretary John Chapman from the Office of Consumer Affairs and Business Regulation**. “Time is of the essence when applying these laws to a vehicle purchase so it’s important that consumers know the steps they must take.”

New and used cars that are purchased for personal or family use from a Massachusetts dealership are protected under the Massachusetts Lemon Laws. These protections are in addition to any manufacturer’s warranty that may be included with your purchase (such as 3 year/36,000 mile “bumper-to-bumper” warranty, or a 5 year/60,000 mile powertrain warranty). The guidelines and eligibility requirements for each are separate and distinct, so consumers should be sure to fully understand their responsibilities under the law before attempting to obtain a refund or replacement vehicle.

New and Leased Cars

The new car section of the Lemon Law covers new cars, motorcycles, vans, or trucks which:

- Are within the “term of protection” — 1 year or 15,000 miles of use from the date of original delivery.
- Were leased after July 1, 1997

The defect must take place during that period and consumers must be able to demonstrate the defect significantly impacts the use, market value or safety of the vehicle. Under this law, the vehicle manufacturer, its agent, or an authorized dealer is provided up to three opportunities to repair the vehicle. If the problem continues, the vehicle manufacturer has a final opportunity to repair the vehicle. If the defect has not been repaired, or has been repaired and continues, the consumer has the right to a refund or replacement.

Used Cars

The Lemon Law applies to used cars, vans, trucks, and demonstration vehicles which:

- Cost at least \$700
- Have less than 125,000 miles on the odometer at the time of sale.

The law requires dealers to provide consumers with a written warranty against defects that impair the vehicle’s use or safety. The length of the warranty depends on the mileage or the age of the vehicle.

Dealer warranties cannot be waived under any circumstances. If the defect continues after 11 business days or 3 repair attempts to fix the defect, consumers have the right to a refund.

Cars that fail inspection

The law allows for a consumer to return and get a refund on their car if it does not pass inspection within 7 days from the date of sale and the cost of repairs exceeds 10% of the purchase price. Consumers looking to obtain a refund under this law must have a written statement of failure from the licensed inspection station that failed their vehicle stating why it failed to pass the safety or combined safety and emissions inspection test.

Tips

Every car for sale on a lot must have a sticker indicating consumer rights under the lemon law. If you don't see that sticker, report the dealership to the Office of Consumer Affairs and Business Regulation.

Always keep records of receipts and contact attempts.

Consumers who obtain a loan from the dealership, often known as "Buy Here Pay Here" financing, should verify that the dealership is licensed by the Division of Banks to lend through retail installment contracts.

Consumers with questions about the Massachusetts Lemon Laws or Lemon Law arbitration are encouraged to contact the Office of Consumer Affairs and Business Regulation by calling (617) 973-8787. More information about the Lemon Laws can be found at www.mass.gov/consumer.

The Baker-Polito Administration's Office of Consumer Affairs and Business Regulation along with its five agencies work together to achieve two goals: to protect and empower consumers through advocacy and education, and to ensure a fair playing field for Massachusetts businesses. The Office also oversees the state's Lemon Laws, data breach reporting, Home Improvement Contractor Programs and the state's Do Not Call Registry.

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