

## NEBRASKA'S "LEMON LAW"

What happens when you buy or lease a new car and it spends more time in the shop than in your garage? Some may say you just bought a lemon. However, your real rights may lie in Nebraska's Lemon Law.

What is a Lemon?

A Lemon, under Nebraska Law, is a new motor vehicle which has a problem that substantially impairs the use or the market value. The vehicle must have been unable to be repaired after reasonable attempts.

How do I know if my vehicle is covered under the Lemon Law?

The vehicle must have been purchased in Nebraska.  
The vehicle must be under warranty.  
The vehicle must be under one year old when the required notice is sent to the manufacturer.

Almost every vehicle, with the exception of a trailer or self-propelled motor home, is covered under the Lemon Law. These vehicles include everything from motorcycles to semi-trucks. The vehicle can also be used for business, family, household or personal use. You do not need to have purchased the vehicle, as leased vehicles are also covered under the law.

If you are not the original purchaser, but the vehicle is transferred during the duration of the express warranty you can utilize the Lemon Law.

What Defects allow me to use the Lemon Law?

If the vehicle does not conform to the manufacturer's written warranty and the manufacturer's agents are unable to fix the vehicle it may be a Lemon.

The vehicle is presumed to be a lemon if:

The vehicle has been in for repair four or more times for the same problem.

You have been without the use of the vehicle for 40 or more days total.

It is important to note that your vehicle may still be a lemon even without these presumptions. It depends on the severity of the problem. The key to a vehicle being considered a lemon is a defect or defects that substantially diminish the value or substantially impair your use of the vehicle.

You must give notice to the manufacturer.

Written notice must be sent to the manufacturer by certified mail during the term of such express warranties or the period of one year following the date of the original delivery, whichever is the earlier date.

**Lemon Law Remedies.**

If a vehicle is determined to be a "Lemon", Nebraska Law requires the manufacturer to pay the full purchase price of the vehicle including taxes, license and registration fees less a reasonable amount for the use of the vehicle. You can also recover your attorney's fees.

**What if my car is not covered under the Lemon Law?**

Even if your car is not covered under the Lemon Law there may be other remedies available to you under Nebraska Law. Consult with a qualified attorney to determine what other claims may be available.