

House Republican Press Release

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Mike Alberts Applauds New Lemon Law



Legislation Signed by Gov Rell Will Protect Consumers

A new state law will protect drivers who buy a new car that turns out to be a “lemon” and authorizes a single state appointed arbiter to help settle the case.

State Rep. Mike Alberts, R-50th District, Brooklyn, Eastford, Hampton, Pomfret, Woodstock, said, “This new law is a victory from consumers who buy a new car that does not work as warranted and cannot be repaired in a reasonable period of time.”

Rep. Alberts, who cosponsored the legislation, participated with Gov. M. Jodi Rell in a public bill signing ceremony for the new law. “I applaud the legislature for adopting this legislation and the governor for signing it,” said Rep. Alberts.

This law, SB 739, replaces the current arbitration panels that hear new motor vehicle lemon law disputes with a single arbitrator, sets standards for the arbitrators, allows the consumer protection commissioner to refer cases to more arbitration organizations, and limits the conditions under which disputes may be settled solely on the basis of written documents.

The new law becomes effective on October 1, 2007

Specifically, the new law requires the state consumer protection commissioner to appoint individuals as arbitrators who are not employees or independent contractors of a business involved in manufacturing, distributing, selling, or servicing motor vehicles. Appointed arbitrators must be paid and be members of an arbitration organization. Under current law, (1) the commissioner must appoint three-member panels, only one of whom may be directly involved in the production and sale of a product; (2) all three members must serve without compensation and be interested in consumer disputes; and (3) appointments are for two years at the commissioner's discretion.

Current law requires a consumer's lemon law complaint form to state that the consumer has the choice of presenting additional testimony orally or in writing. The bill eliminates this requirement. It allows the consumer and the motor vehicle manufacturer to enter a written agreement, signed after the customer has requested lemon law arbitration, that the case may be presented to the arbitrator solely based on the parties' written documents.

Existing lemon law establishes a consumer's right to a refund or a replacement vehicle if, after a reasonable number of repair attempts, it cannot be made to conform to applicable express warranties. A “reasonable number of repair attempts” has been made when the vehicle has a defect that substantially impairs its use, safety, or value, and the vehicle:

1. has been repaired four or more times during the first 24,000 miles or two years of service;
2. has been out of service for a total of 30 days during the same period and the defect remains; or
3. has been repaired two or more times during the first year or the warranty term, whichever is shorter, and the defect is likely to cause death or serious bodily injury if the vehicle is driven.

Mike Alberts serves the 50th Assembly District of Brooklyn, Eastford, Hampton, Pomfret and Woodstock in the state House of Representatives.