

## **Louisiana Lemon Law**

Note: The following information was excerpted from a brochure provided by the Louisiana State Bar Association.

This brochure, prepared by the Member Services Committee of the Louisiana State Bar Association, is issued to inform and provide general information, not to advise. If you have a specific legal problem, you should not try to apply or interpret the law without the aid of a trained expert who knows the fact, because the facts may change the application of the law.

In 1984 the Louisiana Legislature enacted Louisiana's "Lemon Law." This law is located in Louisiana Revised Statutes 5:1941 et. seq.

Under this law a consumer who purchases or leases a new motor vehicle for personal, family or household purposes has certain remedies against the manufacturer and seller of the automobile if the vehicle does not conform to an applicable express warranty.

To benefit from this law you must:

Report the nonconformity to the manufacturer or any of its authorized motor vehicle dealers;

Make the motor vehicle available for repair before the expiration of the warranty or during a period of one year following the date of the original delivery of the motor vehicle to you, whichever is the earlier date.

The manufacturer, its agent or its authorized dealer shall make such repairs as are necessary to conform the vehicle to the warranty.

Refund Entitlement

If after four or more attempts within the express warranty term or during a period of one year following the date of the original delivery of the motor vehicle to you, whichever is earlier, the nonconformity has not been repaired or if the vehicle is out of service by reason of repair for a cumulative total of 30 or more days during the warranty period, the manufacturer shall do one of two things:

Replace the motor vehicle with a comparable new motor vehicle, or, at its option;

Accept return of the motor vehicle and refund the full purchase price plus any amounts paid by the consumer at the point of sale, and all collateral costs less a reasonable allowance for use.

Reasonable Allowance For Use

According to the statute, a reasonable allowance for use shall be that directly attributable to use by the consumer prior to the first notice of nonconformity to the manufacturer,

agent or dealer and during any subsequent period where the vehicle is not out of service by reason of repair.

#### Manufacturer's Refusal To Replace Or Refund

If the manufacturer refuses to replace the vehicle or refund the money, first determine if the manufacturer has established an informal dispute settlement procedure. If so, you must follow that procedure before the Lemon Law will apply.

Consult your attorney to be sure you do not waive any of your rights.

#### Attorney's Fees Entitlement

The statute provides that, if you comply with the requirements of the Lemon Law and you are successful, you are entitled to reasonable attorney's fees actually incurred.

#### Time Limit For New Vehicle Refund

If you win the case, you must return the nonconforming vehicle and the certificate of title to the manufacturer, who then has 30 days to replace the vehicle or refund your money.

If you win after a decision by the informal dispute settlement procedure, the manufacturer has 30 days after the decision to replace or refund.

Always consult an attorney to make certain of your particular rights and remedies under the law.

For further information, call or write to:

Louisiana State Bar Association

601 St. Charles Avenue

New Orleans, LA 70130-3427

504-566-1600