

# IDAHO LEMON LAW



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## WHAT IS THE LEMON LAW?

Popularly known as the “lemon law,” Idaho's motor vehicle warranty statutes<sup>1</sup> were created to help protect you when you buy or lease a car, pickup truck, or van which is subject to an applicable manufacturer's written warranty.

Idaho's lemon law covers vehicle “nonconformities” – any defect or condition that impairs the use or market value of the motor vehicle to the consumer, as long as the nonconformity is not a result of abuse, neglect, or unauthorized modifications or alterations of the vehicle.

## WHICH MOTOR VEHICLES ARE COVERED?

Idaho's lemon law covers motor vehicles that are subject to applicable manufacturer's written warranty. These vehicles must:

- be purchased or licensed in Idaho;
- weigh 12,000 lbs. or less; and
- be used primarily for personal business reasons or personal, family, or household purposes.

Idaho's lemon law applies for the length of the written warranty, 24,000 miles, or two years, whichever comes first. The lemon law allows you to file suit any time within three years of the date of the original delivery of the vehicle to you, if you first

reported the defect within the applicable warranty period, two years, or 24,000 miles, whichever comes first.

## WHAT ARE THE MANUFACTURER'S RESPONSIBILITIES?

If a defect or problem is reported, the manufacturer, its agents, or its authorized dealers must repair the vehicle in accordance with the terms of the warranty.

If the defect cannot be repaired after a **reasonable number of attempts**, the manufacturer must either replace the vehicle with a comparable motor vehicle or refund the car's purchase price (minus a reasonable allowance for the consumer's use of the vehicle.)

## WHAT IS A REASONABLE NUMBER OF ATTEMPTS?

A manufacturer is presumed to have made a reasonable number of attempts if, within the applicable warranty period, 2 years from the date of delivery, or 24,000 miles, whichever comes first:

- There have been 4 or more unsuccessful attempts to repair the *same* defect; or
- There has been one unsuccessful attempt to repair a defect which has caused the complete failure of the steering or braking system and which is likely to cause death or serious bodily injury; or

<sup>1</sup> Idaho Code, Title 48, Chapter 9

- The vehicle has been out of service for warranty repairs for 30 or more cumulative business days.

- **SITUATIONS WHEN REFUNDS OR REPLACEMENTS ARE NOT GIVEN**

The manufacturer does not have to give a refund or replace the vehicle if:

- The problem does not impair the use or market value of the vehicle; or
- The problem results from abuse, neglect, or unauthorized modifications or alterations of the vehicle.

### **WHAT MUST YOU DO TO BECOME ELIGIBLE FOR A REFUND OR REPLACEMENT?**

You do not become eligible for a refund or replacement just because a number of unsuccessful attempts have been made to fix your vehicle. First, you must write to the manufacturer or authorized dealer notifying them of the problem and giving them one opportunity to cure the defect. You should specifically state in your notification that your car is a lemon and that you want a buy-back under the lemon law. You should also send your notification via certified mail, return receipt requested. This notification gives the company an opportunity to repair the defect after notification and also lets the company know of your intention to use the lemon law if the defect is not properly repaired.

Also be aware that the manufacturer may require you to first go through an arbitration process prior to filing a lawsuit under the lemon law.

### **HOW DO YOU PREPARE FOR A LEMON LAW DISPUTE?**

Keep copies of all purchase orders, sales receipts, lease agreements, warranties, detailed repair invoices, letters, and other documents concerning your vehicle and any of its problems or potential defects.

If your vehicle is in the shop for repairs for more than one day at a time, make sure the repair invoice shows the date it was brought in and the date you were notified that it was ready to be returned to you.

Remember the law requires written notice if you believe you are eligible for a refund or replacement under the presumption relating to a reasonable number of attempts to repair the vehicle. Send your letter by certified mail, return receipt requested and, if you send your letter to the dealer, send a copy to the manufacturer and always keep a copy for your records.

### **OTHER AVAILABLE RESOURCES**

The Idaho Office of the Attorney General website has a manual titled “Idaho Lemon Law” available on their website with more detailed information and guidelines.

**\*This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website: <https://aflegalassistance.law.af.mil>