



Dear Fellow Delawarean,

When it comes to protecting our families, safeguarding our wallets, knowing our rights as victims of crime, or understanding how the law can make our communities better, information is the key. Equipped with knowledge, we can make choices that greatly reduce our risk of becoming a victim of crime or fraud, and we can learn how to get help if we're mistreated.

The mission of the Delaware Department of Justice is to protect Delawareans from harm by enforcing the law and being your advocate. We're here to help you, and also to give you the information you need to help yourself and your family. Inside this brochure, you'll find information about Delaware's Lemon Law and ways to contact the Department of Justice for further assistance. Together, we can keep Delaware safe and strong.

Beau Biden,
Attorney General

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Delaware's Lemon Law

Protecting Delaware's Consumers



Delaware Department of Justice

Attorney General
Joseph R. "Beau" Biden, III

Consumer Protection Unit

- New Castle County • (302) 577-8600
- Kent County • (302) 739-7641
- Sussex County • (302) 856-5353
- Toll Free Consumer Hotline • (800) 220-5424
- Para asistencia en Espanol • (877) 851-0482

www.attorneygeneral.delaware.gov
Email: Consumer.Protection@State.DE.US

FREQUENTLY

What is the Delaware Lemon Law?

Delaware's Lemon law establishes standards for when new automobiles should be repaired, repurchased or replaced if they do not meet the manufacturer's warranty. The Lemon Law contains eligibility requirements, notice requirements, and sets out specific remedies that a consumer may recover in a legal action against the manufacturer if a vehicle cannot be fixed to conform to the warranty after a reasonable number of repair attempts.

What vehicles are covered by the Delaware Lemon Law?

This law covers only new cars leased or bought in Delaware or cars, still under warranty, and registered by the Delaware Division of Motor Vehicles.

What conditions or problems are covered by the Lemon Law?

The Lemon Law covers any defect or condition that substantially impairs the use, value, or safety of the vehicle.

How long do I have to report the problem to the manufacturer?

The consumer has one year or the period of the warranty, whichever is earlier, to report the defect or condition to the manufacturer or dealer.

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How many times must the dealer attempt to fix the problem or problems before I can use the Lemon Law?

The Lemon Law applies if the same problem has been subject to correction four or more times or if the automobile has been out of service for more than 30 calendar days since the original delivery of the car to the consumer.

How does the law count the 30 days?

The 30 days begin with the first day the consumer notifies the dealer and the manufacturer of the defect. The 30 calendar day period can be extended if the manufacturer, dealer, or agent is not able to make repairs due to circumstances beyond their control.

What are my remedies if the manufacturer fails to correct my problems?

The manufacturer may either replace the vehicle with a comparable new vehicle acceptable to the consumer or repurchase the vehicle. The consumer has the right to decline a replacement and demand repurchase of the vehicle.

What are my rights if the car is replaced?

If the consumer financed the original car through the dealer or manufacturer, the dealer

**For more information please refer to:
Delaware's Automobile Warranty Law;
Title 6, Chapter 50
available at <http://delcode.delaware.gov>.**

QUESTIONS

or manufacturer must offer the same terms for the financing of the replacement car. Manufacturers must also reimburse incidental costs, including dealer preparation fees, fees for transfer of registration, sales tax or other charges of fees incurred as a result of the replacement.

What should I do if the manufacturer, dealer, or other authorized agent refuses to accept return of the car or claims that Lemon Law does not apply?

We recommend writing a letter and sending it certified mail return receipt requested to the manufacturer and the dealership where the car was purchased. Make sure your letter includes your name, address, phone number, and outlines the problems with your car. Include photocopies of the sales contract and warranty and suggest how you would like to resolve this matter. You can also contact the Better Business Bureau to take advantage of their automobile arbitration program or you may file a civil lawsuit against the manufacturer. Consumers are encouraged to contact the Consumer Protection Unit of the Delaware Department of Justice for assistance with Lemon Law complaints.

If I sue the manufacturer and win will my attorney's fees be reimbursed?

The Court may, at its discretion, award costs and attorney's fees to the consumer. Be aware that if the Court finds that your legal action was brought in bad faith, you may have to pay attorney's fees and costs incurred by the manufacturer and/or dealer.