

**Buying a new or used car in
California?
Need your auto repaired?
Here's how to protect yourself
against "lemons" and auto
repair fraud in California ...**

CONSUMER GUIDE TO PURCHASING AND REPAIRING A NEW OR USED CAR IN CALIFORNIA

**This publication is presented as a community service by the
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YOUR RIGHTS AS A CONSUMER

With the dramatic increase in new and used car purchases in Southern California, there is a great need for consumer education in the areas of the Song Beverly Consumer Warranty Act commonly referred to as the “Lemon Law”, Federal and State laws protecting consumers when they purchase a new used car and how to avoid becoming the victim of automobile repair fraud.

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THE CALIFORNIA LEMON LAW AND NEW CARS

The Song Beverly Consumer Warranty Act commonly referred to as the “lemon law” gives consumers the right to their money back or a new car if their vehicle cannot be repaired after a reasonable number of attempts. Also, used cars that are still protected by the manufacturer’s warranty and the chassis portion of a motor home are also protected.

In addition to motor vehicles, the Song Beverly Consumer Warranty Act also applies to the purchase of all consumer products such as boats, motorcycles, electronic equipment etc.

If you find yourself in a situation where the new car you purchased may be a lemon and you want your money back or another car, protect yourself by doing the following things

1. When you go to the dealership to have your car repaired, insist that the service representative write down all of your complaints.
2. Make sure you get a written repair order each time you bring your car to the dealership to be fixed. Keep all of your repair orders in a safe place where you can find them when you need them.
3. If your car cannot be repaired, notify the manufacturer about your problem by telephone and by certified mail. Attach all of your repair orders and your purchase agreement to the letter you send to the manufacturer. The address and telephone number of the manufacturer can be found in your warranty book.
4. If the manufacturer insists, allow the manufacturer’s representative to inspect the car before you decide on legal action.
5. If you are entitled to your money back pursuant to the lemon law, the manufacturer is entitled to a deduction for mileage. However, the deduction is not based on the amount of miles on the car at the time the manufacturer agrees to take the car back. Instead, the deduction is based on the number of miles on the car the first time you took the car in for the problem that cannot be repaired.
6. Before you accept a settlement from the manufacturer, make sure you fully understand what your rights are under the California lemon law or contact an attorney who specializes in this area of practice.

BUYING A USED CAR IN CALIFORNIA

Buying a used car today in Southern California can be a confusing and complicated process. Also, if you do not do your homework before you buy the car, you might end up with a car you don't want, can't afford or doesn't work right. Therefore, before you buy a used car, protect yourself by doing the following things

1. Have the car inspected by a mechanic you trust who does not work for the seller of the car. If the seller refuses to allow you to have the car inspected, don't buy it.
2. If possible, get a written warranty for the car you buy.
3. Get it in writing if the seller tells you the car is in good mechanical condition. If the seller's representations are verbal only, you may have a difficult time proving that you were misled about the condition of the car.
4. If you intend to finance the car, don't sign a contract to pay for a car that won't be around for the time it takes you to pay it off. Remember, if you agree to pay for the car over a period of five years, but the car lasts for only three years, that does not mean you are off the hook.
5. Shop around for financing before you buy the car. Many car dealers have relationships with finance companies they want you to use. However, if you can get a better deal elsewhere such as a credit union or a bank, do it. Don't forget, if your credit is bad, the interest rate you will be asked to pay may be very high.
6. If you sign a contract to buy a used car and the seller tells you later that you have to pay more for the vehicle than agreed, you don't have to do it. You have the right to demand your money back or insist on the terms you agreed to.
7. Don't base your purchase on the amount of money you can afford to pay each month for the car. First negotiate a fair price for the car and talk about the financing later. Remember, if you can only afford the car you want by financing over too long a period of time you may be making a bad deal.

PREVENTING AUTO REPAIR FRAUD

During the 1999/2000 fiscal years, the California Bureau Of Automotive Repair negotiated refunds, rework and adjustments valued at more than \$4.6 million from auto repair shops on behalf of consumers. The Los Angeles Times recently quoted an official of the Bureau as saying, “40% of body work involves scams” and that “the insurance industry says it pays out about \$3.2 billion for body repairs in California at the estimated rate of \$2,843 per claim. Therefore, if your car needs bodywork or repair for a mechanical condition or you think you have been “ripped off” you can do the following things

1. Make a complaint with the California Bureau of Automotive Repair.
2. If you suspect you may be the victim of fraud, have your car inspected for free. Telephone 866-881-1332 for more information.
3. Look around for a good repair shop before getting the work done. Ask friends for referrals or check with people who might have information about what shop to go to.
4. Always get a written estimate for the repair.
5. If you think the repair was not done properly or the car is still broken, don't hesitate to take the car back and have the repair redone. If that doesn't work, you can still make a complaint with the California Bureau of Automotive Repair.

