KNOW YOUR LEGAL RIGHTS

**When your new car becomes a nightmare**

*Know Your Legal Rights* is a bi-monthly column distributed by the State Bar of Wisconsin. It is sponsored by the State Bar of Wisconsin’s Lawyer Referral Service (LRS), which connects Wisconsin residents with lawyers throughout the state. To find an attorney in your area, visit [wislaw.org](http://wislaw.org/).

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By Atty. Dustin Fossey

This article is the first in a two-part series on Wisconsin’s Lemon Law. In Part 1, we’ll cover the basics of the law, what it is, and how it protects consumers from defective vehicles. In Part 2, we’ll dive deeper into the practical steps for filing a claim and tips for ensuring a successful outcome.

Most new car sales happen in December. Imagine buying a new vehicle for $60,000—well above the national average of $49,000. You’re excited but anxious, justifying the hefty price tag and monthly payments by believing it will be years before you face any major issues.

To your dismay, six months later, the “Check Engine” light comes on. After taking the car to the dealership, you learn that major engine components have failed, and it will take another six months to fix.

Adding to your frustration, the dealership doesn’t have a loaner vehicle available, though the manufacturer “promises” to reimburse you for rental car costs—if you pay upfront.

Situations like this occur regularly across Wisconsin, but fortunately, Wisconsin’s Lemon Law offers protections for consumers.

**What Is the Wisconsin Lemon Law?**

Wisconsin’s Lemon Law is designed to level the playing field between consumers dealing with defective vehicles and the manufacturers responsible for them. It allows buyers of faulty new vehicles to seek a refund, replacement, or cash settlement—often at little or no cost.

The law applies to personal and commercial vehicles purchased or leased in Wisconsin. In simple terms, it provides remedies if a manufacturer fails to honor its warranty, especially when a vehicle has a “substantial impairment” that has not been fixed after multiple repair attempts (usually four) or has been out of service for repairs for 30 or more days.

**Key Time Periods for Lemon Law Claims**

If your new vehicle has problems, bring it to an authorized dealer—a dealership selling your vehicle’s brand—for immediate repairs. The first year after purchase is crucial for establishing your Lemon Law rights.

Don’t delay or wait to see if the issue resolves on its own. If problems persist, continue returning to the dealer until the issue is fixed or the number of repair attempts or out-of-service days required by the statute is exceeded. Repairs made after the first year typically don’t count toward a Lemon Law claim.

You have up to three years from the purchase date to file a lawsuit under Wisconsin’s Lemon Law.

**What to Do If You Have a Lemon**

While consumers can assert Lemon Law claims independently, the statute requires manufacturers to cover reasonable legal fees for successful claims. This means most attorneys will take cases on a contingency basis, requiring no upfront payment from the consumer.

**Final Thoughts**

New vehicles are a major investment, and defects can be a frustrating, costly surprise. If you find yourself stuck with a problematic vehicle, remember your rights under Wisconsin’s Lemon Law. Even if the law doesn’t seem to apply to your situation, consult legal counsel—other remedies may be available.

*Atty. Dustin Fossey of the Fossey Law Firm PLLC, Appleton, focuses his practice on Wisconsin Lemon Law and breach of warranty cases. To find an attorney near you, visit* [*wislaw.org*](http://www.wislaw.org)*.*