**KNOW YOUR LEGAL RIGHTS**

**What to do when your new car becomes a nightmare, Part II**

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[In Part 1 of this two-part series](https://wnanews.com/2024/12/04/when-your-new-car-becomes-a-nightmare/) on Wisconsin’s Lemon Law, we reviewed the basics of the law. Here, we explain the steps for filing a Wisconsin Lemon Law claim and provide tips for a successful outcome.

**How to Begin a Claim Under Wisconsin’s Lemon Law**

Once you have met the requirements of taking your new vehicle in for repair four times for the same problem, or your vehicle has been out of service for repairs for 30 or more days, you can file a claim under Wisconsin’s Lemon Law.

You must send the state-required notice to the manufacturer of your vehicle. Requesting Lemon Law relief from a dealer does not trigger your right to recovery under the Lemon Law; you must notify the manufacturer directly.

The Lemon Law includes strict timelines for the manufacturer to respond to your notice, which vary depending on the remedy you request.

If you leased your vehicle, the only remedy available under the Lemon Law is a refund of the amounts you’ve paid under the lease and termination of the lease.

If you purchased your vehicle, you may request either a refund or a comparable new vehicle. Whether you purchased or leased your vehicle, you are also entitled to reimbursement for non-removable accessories (such as window tinting) and additional expenses incurred due to the vehicle’s problems (such as rental car and towing charges).

The manufacturer has 30 days after receiving your notice to provide you with a refund or 45 days to provide you with a comparable new vehicle.

However, if the manufacturer cannot locate a comparable new vehicle, it may provide you with a refund within 45 days of receiving your notice. For heavy-duty vehicles (such as semi-trucks), the manufacturer has 120 days to provide a comparable new vehicle.

**What to Do if the Manufacturer Denies Your Claim or Does Not Comply With the Lemon Law**

If you don’t reach a resolution with the manufacturer, you have several options to enforce your rights under the Lemon Law.

First, somemanufacturers have informal dispute settlement procedures, such as the BBB Auto Line or the National Center for Dispute Settlement. While some manufacturers require you to submit your claim to these procedures before filing a lawsuit, you are not bound by their decisions and may still pursue a lawsuit if you are dissatisfied.

Second, you may file a lawsuit to enforce your rights in court. Since the Lemon Law requires manufacturers to pay your attorney fees and costs if you win your case, most attorneys accept Lemon Law cases on a contingency basis, requiring no upfront payment from you.

**Tips for Bringing a Lemon Law Claim**

* Do not sell or trade in your vehicle; you must return it to the manufacturer to receive a refund or a comparable new vehicle.
* Keep making your loan or lease payments until you return your vehicle.
* Save all repair invoices, purchase documents, loan/lease agreements, and receipts related to your vehicle.
* Send your Lemon Law notice via certified mail or another trackable method to confirm when the manufacturer receives it.
* Choose one remedy only; do not request alternative remedies not provided by the Lemon Law.
* Respond promptly to any manufacturer requests for additional information.
* Consult an attorney if the manufacturer does not provide a refund or new vehicle.

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